

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

LINDA BEARD,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.:
v.)	
)	2:07-CV-790-MNT
COLDWATER CREEK, INC.,)	
)	
Defendant.)	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendant, Coldwater Creek, Inc. ("Coldwater Creek"), moves the Court to enter summary judgment in its favor on the grounds that there is no genuine issue with respect to any material fact and Coldwater Creek is entitled to a judgment as a matter of law.

Plaintiff, Linda Beard ("Plaintiff") has failed to establish a *prima facie* case of discrimination based on disability. More specifically, Plaintiff cannot demonstrate that she was an otherwise qualified individual as defined under the Americans with Disabilities Act, 42 U.S.C. § 12101, *et. seq.*, i.e., that she could perform the essential functions of her position. Further, Plaintiff failed to identify any reasonable accommodation which would allow her to do so. Finally, Plaintiff has offered no evidence that Coldwater Creek discriminated against her based on her alleged disability.

This motion is based upon the pleadings, the Plaintiff's Depositions (and the exhibits attached thereto), and the Declaration of Tara Kessler attached hereto. A separate Brief in Support of Defendants' Motion for Summary Judgment is also being filed simultaneously with this motion.

Respectfully submitted,

/s/ Fern H. Singer
FERN H. SINGER
Attorney for Defendant

OF COUNSEL:

**BAKER, DONELSON, BEARMAN,
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(205) 244-3801 - Phone
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CERTIFICATE OF SERVICE

I certify that the foregoing has been served upon the following counsel of record by electronic filing, this 13th day of May, 2008.

Andy Nelms, Esquire
Anderson Nelms and Associates, L.L.C.
847 South McDonough Street, Ste 104
Montgomery, Alabama 36104

/s/ Fern H. Singer
Of Counsel

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

LINDA BEARD,

Plaintiff,

V.

COLDWATER CREEK, INC.,

Defendant.

CIVIL ACTION NO.:

2:07-CV-790-MNT

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

**PLAINTIFF LINDA BEARD'S
FEBRUARY 1, 2008 DEPOSITION**

PART 1 OF 3

American Court Reporting
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Page 1	Page 3
IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION CIVIL CASE NUMBER 2:07-CV-00790-MHT LINDA BEARD, Plaintiff, vs. COLDWATER CREEK, INC., Defendant. DEPOSITION TESTIMONY OF: LINDA BEARD February 1, 2008 1:00 p.m. COURT REPORTER: Gwendolyn P. Timbie, CCR	1 grounds at the time of trial or at the 2 time said deposition is offered in 3 evidence, or prior thereto. 4 Please be advised that this is the 5 same and not retained by the Court 6 Reporter, nor filed with the Court. 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23
Page 2	Page 4
1 STIPULATIONS 2 IT IS STIPULATED AND AGREED by and 3 between the parties through their 4 respective counsel that the deposition of 5 LINDA BEARD, may be taken before Gwendolyn 6 P. Timbie, Certified Court Reporter and 7 Notary Public, State at Large, at the law 8 office of Jay Lewis, Montgomery, Alabama, 9 on February 1, 2008, commencing at 10 approximately 1:00 p.m. 11 IT IS FURTHER STIPULATED AND 12 AGREED that the signature to and the 13 reading of the deposition by the witness 14 is waived, the deposition to have the same 15 force and effect as if full compliance had 16 been had with all laws and rules of Court 17 relating to the taking of depositions. 18 IT IS FURTHER STIPULATED AND 19 AGREED that it shall not be necessary for 20 any objections to be made by counsel to 21 any questions, except as to form or 22 leading questions, and that counsel for 23 the parties may make objections and assign	1 INDEX 2 EXAMINATION BY: PAGE NO: 3 Ms. Singer 7 4 Certificate 202 5 LIST OF EXHIBITS 6 EXHIBITS: PAGE NO: 7 Defendant's 1 10 8 Defendant's 2 57 9 Defendant's 3 62 10 Defendant's 4 72 11 Defendant's 5 72 12 Defendant's 6 82 13 Defendant's 7 82 14 Defendant's 8 94 15 Defendant's 9 116 16 Defendant's 10 124 17 Defendant's 11 128 18 Defendant's 12 138 19 Defendant's 13 140 20 Defendant's 14 142 21 Defendant's 15 155 22 Defendant's 16 156 23

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Page 5		Page 7	
1	LIST OF EXHIBITS (Continued)	1	I, Gwendolyn P. Timbie, Certified
2	EXHIBITS: PAGE NO:	2	Court Reporter and Notary Public for the
3	Defendant's 17 156	3	State of Alabama at Large, acting as
4	Defendant's 18 156	4	Commissioner, certify that on this date,
5	Defendant's 19 165	5	pursuant to the Federal Rules of Civil
6	Defendant's 20 170	6	Procedure, and the foregoing stipulation
7	Defendant's 21 173	7	of counsel, there came before me at the
8	Defendant's 22 196	8	law office of Jay Lewis, Montgomery,
9		9	Alabama, commencing at approximately
10		10	1:00 p.m. on February 1, 2008, Linda
11		11	Beard, plaintiff in the above cause, for
12		12	oral examination, whereupon the following
13		13	proceedings were had:
14		14	
15		15	LINDA BEARD,
16		16	Having been first duly sworn, was examined
17		17	and testified as follows:
18		18	COURT REPORTER: Usual
19		19	stipulations?
20		20	MR. NELMS: Yes.
21		21	
22		22	EXAMINATION BY MS. SINGER:
23		23	Q. Ms. Beard, my name is Fern
Page 6		Page 8	
1	APPEARANCES	1	Singer. I represent Coldwater Creek in
2		2	this matter. Have you ever given a
3	FOR THE PLAINTIFF:	3	deposition before?
4	KEITH A. NELMS, Esquire	4	A. No.
5	Attorney at Law	5	Q. Well, I assume that you
6	Post Office Box 5059	6	prepared with your counsel for this
7	Montgomery, Alabama 36103-5059	7	deposition?
8		8	A. (Witness nodded head in the
9	FOR THE DEFENDANT:	9	affirmative.)
10	FERN H. SINGER, Esquire	10	Q. Is that a yes?
11	Baker, Donelson, Bearman, Caldwell	11	A. Yes.
12	& Berkowitz, P.C.	12	Q. What you have to do today for
13	420 20th Street North	13	the court reporter is you need to wait for
14	Suite 1600	14	me to finish asking my question and then
15	Birmingham, Alabama 35203	15	you need to answer aloud, because she
16		16	can't take down nods of the head. Is that
17		17	fair?
18		18	A. Right.
19		19	Q. And if there's something about
20		20	my question that you don't understand, if
21		21	you'll let me know, I'll try to do better
22		22	the second time. Is that fair?
23		23	A. Yes.

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1	Q. And we're starting today at	1	write this?
2	1:00 to accommodate you, correct,	2	A. I don't know. About an hour
3	Ms. Beard?	3	or so.
4	A. Yes.	4	Q. And this is your handwriting?
5	Q. Good. And what you've brought	5	A. Right.
6	with you today, that we now -- that you've	6	Q. So you can write, correct?
7	given me a copy of, is a list of places	7	A. Yes.
8	where you may have worked over the years;	8	Q. Can you use a computer?
9	is that correct?	9	A. Yes.
10	A. Right.	10	Q. How proficient are you at a
11	Q. And it's a pretty detailed	11	computer?
12	list, is it not?	12	A. I'm pretty good.
13	A. Yes. I guess.	13	Q. Are there certain software
14	Q. And then, on the top -- what	14	packages that you are familiar with?
15	do you have on top of this page?	15	A. Windows 98.
16	A. Just some notes regarding my	16	Q. Anything else?
17	family.	17	A. No.
18	Q. What about it? What about	18	Q. Excel?
19	your family?	19	A. No.
20	A. Andy had said that you might	20	Q. Are you pretty proficient with
21	ask me about, you know, what family I had	21	a computer?
22	living locally and stuff, you know. I	22	A. I guess so.
23	didn't know how nervous I was going to	23	Q. Are you taking any medicine?
Page 10		Page 12	
1	be. So it's just to help me in case I	1	A. Yes.
2	couldn't think.	2	Q. Tell me what medicine you're
3	Q. Can you think?	3	taking, please.
4	A. I'm trying to.	4	A. I take Tramadol.
5	Q. So you wrote this this morning?	5	Q. What is that for?
6	A. No. I wrote it yesterday or	6	A. Pain.
7	the day before.	7	Q. What kind of pain?
8	Q. All right. I don't want you	8	A. Back pain, neck pain, muscle
9	to tell me anything that you and Mr. Nelms	9	pain, aching.
10	talked about going forward. All right?	10	Q. How much do you take?
11	Because that's privileged conversation	11	A. Usually two every eight hours.
12	between you and your lawyer.	12	Q. What's the dosage?
13	(WHEREUPON, a document was	13	A. I think it's 50 milligrams.
14	marked as Defendant's Exhibit Number 1 and	14	Q. Who prescribed it?
15	is attached to the original transcript.)	15	A. Well, right now it's
16	MS. SINGER: I'm going to put	16	prescribed by the Pain Center.
17	into evidence what is marked as	17	Q. And who is that?
18	Defendant's Exhibit Number 1, and this is	18	A. Dr. Herrick.
19	a list prepared by Ms. Beard in advance of	19	Q. Doctor whom?
20	this deposition.	20	A. Herrick.
21	Q. Is that correct, Ms. Beard?	21	MR. NELMS: H-E-R-R-I-C-K?
22	A. Yes.	22	THE WITNESS: I believe so.
23	Q. How long did it take you to	23	Q. And where is the Pain Center?

3 (Pages 9 to 12)

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1	A. On St. Luke's Court, I think	1	A. Uh-huh.
2	it is.	2	Q. Is that a yes?
3	Q. Here in Montgomery?	3	A. Yes.
4	A. St. Luke's Drive or St. Luke's	4	Q. And how long have you been
5	Court. Yes.	5	taking Zanaflex?
6	Q. How long have you been going	6	A. A long time. You know,
7	to The Pain Clinic?	7	somewhere -- since '98. You know, we
8	A. Since like last -- since like	8	tried two or three different medications
9	November of 2006 -- I mean -- yeah, 2006.	9	for sleep, and that, you know, was the one
10	Q. What other medicine are you	10	that worked. I don't know the exact date
11	taking, Ms. Beard?	11	that I got on that one.
12	A. I take Skelactin -- Skelaxin.	12	Q. And Dr. Jakes gives you a
13	Q. And what is that prescribed	13	prescription for that as well?
14	for?	14	A. Right.
15	A. It's a muscle relaxer that you	15	Q. Any other medicine, Ms. Beard?
16	can take during the daytime that won't	16	A. I'm taking Synthroid.
17	cause you to be, you know, too drowsy.	17	Q. And who prescribes that?
18	Q. And who prescribed this?	18	A. Dr. Jakes.
19	A. Dr. Jakes.	19	Q. And how long have you been on
20	Q. And how long have you been	20	Synthroid?
21	taking it?	21	A. Since this past October.
22	A. Years. I couldn't tell you	22	Q. October of '07?
23	exactly when I started.	23	A. Right.
Page 14		Page 16	
1	Q. Before you started working at	1	Q. And is that for a thyroid
2	Coldwater Creek?	2	condition?
3	A. Yes.	3	A. Uh-huh.
4	Q. All right. Any other	4	Q. Is that a yes?
5	medicine?	5	A. Yes. I'm sorry. I'm
6	A. I take Flexeril occasionally	6	forgetting that.
7	at night.	7	Q. No problem.
8	Q. And who prescribed that,	8	A. And I'm also taking Maxzide.
9	ma'am?	9	Q. I'm not familiar with that.
10	A. Dr. Jakes.	10	How do you spell that?
11	Q. How long have you had a	11	A. M-A-X-I-D-E (sic).
12	prescription for Flexeril?	12	Q. And what do you take Maxzide
13	A. Probably since around '98.	13	for?
14	Q. Any other medicine?	14	A. It's a diuretic for a problem
15	A. Zanaflex. I take that at	15	I was having associated with the thyroid
16	night to sleep.	16	problem.
17	Q. And how much of Zanaflex do	17	Q. And how long have you been
18	you take?	18	taking that?
19	A. Three tablets. And I can't	19	A. Since October of '07.
20	remember what the milligrams are. I don't	20	Q. And does Dr. Jakes prescribe
21	remember.	21	that?
22	Q. All right. And do you take	22	A. Yes.
23	three tablets every night?	23	Q. All right. Any other

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1 medicine?	1 A. Skelaxin.
2 A. How many is that?	2 Q. That's a muscle relaxer. How
3 Q. It's one, two, three, four,	3 often do you take that?
4 five, six medicines -- Tramadol, Skelaxin,	4 A. Twice a day. Most of the
5 Flexeril, Zanaflex, Synthroid, and	5 time. Not always.
6 Maxzide.	6 Q. All right. And when -- and
7 A. I think that's everything. I	7 Dr. Jakes prescribed that?
8 use a pain patch. I don't know if you --	8 A. Right.
9 Q. How often do you use the pain	9 Q. You've already told me that.
10 patch?	10 And when did you start taking it?
11 A. Several times a week. It's a	11 A. I had taken it some, you
12 prescription.	12 know -- sometime since '98, but I really
13 Q. From Dr. Herrick?	13 started taking it a lot -- on a more
14 A. Yes.	14 regular basis in 2003.
15 Q. Do any of these medicines	15 Q. And you're saying it affects
16 affect your memory, Ms. Beard?	16 your memory?
17 A. Sometimes.	17 A. Not the Skelaxin. The
18 Q. Which medicine affects your	18 Tramadol. The other one.
19 memory?	19 Q. All right. But the --
20 A. The muscle relaxers and the	20 A. The pain medication.
21 pain medication.	21 Q. Yes, ma'am. And Tramadol you
22 Q. All right. Did you take --	22 started taking in November of '06,
23 A. Mainly the -- like the	23 correct?
Page 18	Page 20
1 nighttime muscle relaxers. And more so	1 A. No. I've been taking it since
2 the Flexeril.	2 probably '98 or shortly -- sometime after
3 Q. Is that why you take it at	3 '98.
4 night?	4 Q. I guess I understood you to
5 A. Well, yeah. The Flexeril is	5 say that Dr. Herrick at the Pain Center --
6 to help me sleep. It's just that it's	6 A. He -- well, Dr. Jakes used to
7 stronger than the Zanaflex. And I use it	7 prescribe it. And I was taking last -- in
8 more when I'm, you know, feeling really	8 2006 I was put on Prozac, an
9 bad. And if, you know -- and it causes me	9 antidepressant. And you have to be really
10 to be a lot groggier, you know. The	10 careful with taking Prozac and Tramadol
11 effects of it last a lot longer the next	11 together, with the dosage and everything.
12 day.	12 So he referred me to the Pain Center for
13 Q. All right.	13 the dosage and everything because he
14 A. So I use it when I'm in bad	14 didn't feel comfortable prescribing that
15 shape, so to speak.	15 along with the antidepressant, because he
16 Q. Well, you told me you take	16 had had a patient that had had a problem
17 Flexeril occasionally at night.	17 taking those two together.
18 A. Right.	18 Q. But you're saying you've been
19 Q. And you take Zanaflex at	19 taking it, Tramadol, on and off for years;
20 night.	20 is that correct?
21 A. Right.	21 A. Right.
22 Q. So the only other medicine is	22 Q. And Dr. Jakes used to
23 the Skelaxin?	23 prescribe it for you?

5 (Pages 17 to 20)

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1	A. Right.	1	please?
2	Q. All right. Any other	2	A. David Beard.
3	medicine, while you're sitting here?	3	Q. And when were you and
4	A. No.	4	Mr. Beard married?
5	Q. Did you list any other	5	A. In 1968.
6	medicines on what we've marked as	6	Q. And are you a widow? Are you
7	Defendant's Exhibit Number 1?	7	divorced?
8	A. No.	8	A. Divorced.
9	Q. Did you drive over here today?	9	Q. When were y'all divorced?
10	A. Yes.	10	A. In 1971.
11	Q. And tell me what you did today	11	Q. Any children as a part of that
12	before coming here to give your	12	marriage?
13	deposition.	13	A. Yes. I have one son.
14	A. I watched the news this	14	Q. What's his name?
15	morning, drank coffee, took a shower, got	15	A. Chris -- Christopher.
16	dressed, and ate something, straightened	16	Q. And where is Christopher?
17	up a few things around my house and -- a	17	A. He lives in Tampa, Florida.
18	little bit, and fed my cats, opened all	18	Q. What does he do?
19	the drapes and let the light in.	19	A. He's in real estate,
20	Q. Call anybody on the phone?	20	unfortunately, at the time -- at this
21	A. I called here.	21	time.
22	Q. Did you make the coffee?	22	Q. Is he married?
23	A. Yes.	23	A. Yes.
Page 22		Page 24	
1	Q. And did you make for yourself	1	Q. And does he have any children?
2	what you ate this morning?	2	A. No.
3	A. Yes.	3	Q. Were you married after you and
4	Q. Do you go shopping -- food	4	Mr. Beard divorced?
5	shopping?	5	A. No.
6	A. Today?	6	Q. Have you ever lived with
7	Q. Not today.	7	anybody?
8	A. Oh, do I?	8	A. Yes.
9	Q. Yes.	9	Q. Tell me with whom you've
10	A. Yes.	10	lived.
11	Q. And you said you cleaned up a	11	A. I had -- I've had roommates,
12	little bit as well?	12	girlfriends.
13	A. Well, straightened a couple of	13	Q. When was the last time you had
14	things.	14	a girlfriend or a roommate?
15	Q. Do you clean your home?	15	A. 1997.
16	A. Sort of.	16	Q. What is your current address?
17	Q. Do you live alone?	17	A. 8305 Grand Oak Court.
18	A. Yes.	18	Q. And how long have you been at
19	Q. Are you married?	19	that address?
20	A. No.	20	A. Going on 12 years.
21	Q. Have you ever been married?	21	Q. Is it a house?
22	A. Yes.	22	A. Patio home.
23	Q. To whom were you married,	23	Q. You told me that you haven't

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1 had any roommates or a girlfriend living	1 Freddie is widowed.
2 with you since 1997. Have you lived with	2 Q. What's Sally's husband's name,
3 a man at any time since you and Mr. Beard	3 please?
4 divorced?	4 A. Michael.
5 A. Yes.	5 Q. What kind of work does Michael
6 Q. All right. Tell me with whom	6 do?
7 you've lived.	7 A. He works at Sikes and Kohn.
8 A. David Stafford.	8 Q. What kind of place is that?
9 Q. Stafford?	9 A. They have sporting goods.
10 A. Right.	10 Mainly -- they're known for their jeans.
11 Q. When did you and Mr. Stafford	11 And they have shoes and, you know, a lot
12 live together?	12 of different types of clothes.
13 A. In 1989.	13 Q. Here in Montgomery?
14 Q. Anybody else?	14 A. Western-type stuff. It's in
15 A. No.	15 Pine Level.
16 Q. I'm looking at Defendant's	16 Q. That's on, what, 231 or --
17 Exhibit Number 1. You have two sisters	17 A. Right.
18 here in Montgomery?	18 Q. I know where that is.
19 A. Well, one is in Montgomery and	19 All right. Now, I know that you met
20 one is in -- right outside of Montgomery.	20 with counsel and, as I told you, I don't
21 I think it's Pine Level.	21 want to know what you and Mr. Nelms may
22 Q. All right. And what are their	22 have spoken about. But tell me what else
23 names?	23 you did in preparation for this
Page 26	Page 28
1 A. Freddie Copeland and Sally	1 deposition.
2 Peacock.	2 A. I just read over my notes that
3 Q. And do either Freddie or Sally	3 I had written out that I had given --
4 work outside the home?	4 provided him, you know, regarding my
5 A. Yes.	5 documentation of what happened.
6 Q. All right. Tell me what	6 Q. Are these notes that Mr. Nelms
7 Freddie does.	7 asked you to write?
8 A. She works part time at a	8 A. No.
9 clothing, department-type store.	9 Q. These are -- what kind of
10 Q. Where?	10 notes are they?
11 A. Stein Mart.	11 A. I just provided it to him as
12 Q. Stein Mart? Is that here in	12 information regarding the case.
13 Montgomery?	13 MS. SINGER: Are you claiming
14 A. Uh-huh.	14 those notes as privileged?
15 Q. That's Freddie. What does	15 MR. NELMS: Are they notes you
16 Sally do?	16 made at my instructions?
17 A. Well, right now she's keeping	17 THE WITNESS: No.
18 children in her home.	18 MR. NELMS: Is it something
19 Q. All right.	19 that you made in anticipation of
20 A. Just two children. For	20 litigation?
21 somebody she knows.	21 THE WITNESS: No.
22 Q. And are they married?	22 MR. NELMS: Not privileged.
23 A. Sally is married, and my --	23 THE WITNESS: I mean, I made

7 (Pages 25 to 28)

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1	it just -- I made it -- it's those notes	1	Q. And then -- do you have any
2	that I had, right there, that I made.	2	college?
3	MR. NELMS: To help you	3	A. I took some courses at AUM.
4	remember?	4	Q. And when was the last time you
5	THE WITNESS: Right. And	5	took a course at AUM?
6	to -- actually, I gave them to -- well, it	6	A. I think it was like '74.
7	was Chaz that I saw that day. Gave them	7	Q. Any other formal education?
8	to him to give to Anthony, to give him	8	A. No.
9	some information about the case, because	9	Q. Ever been fired from a job?
10	he wasn't here the day I came in.	10	A. Yes.
11	MR. NELMS: Oh. So these	11	Q. Other than the one that brings
12	notes I have?	12	us here today?
13	MS. SINGER: Yes.	13	A. Yes.
14	THE WITNESS: They're in the	14	Q. All right. Tell me from what
15	file.	15	job were you fired.
16	MR. NELMS: Is this them?	16	A. Sabel Industries.
17	THE WITNESS: Uh-huh.	17	Q. What kind of work does Sabel
18	MR. NELMS: Yes, that's them?	18	do?
19	And that? That's just this right here,	19	A. Sabel Steel. It's a steel
20	right?	20	company.
21	THE WITNESS: Uh-huh.	21	Q. Here in Montgomery?
22	MS. SINGER: We can go off the	22	A. Yes.
23	record while they decide.	23	Q. And when were you let go from
Page 30		Page 32	
1	(Off-the-record discussion.)	1	that job?
2	Q. Have you ever filed for	2	A. In June of 2003.
3	bankruptcy?	3	Q. And what was the reason you
4	A. Yes.	4	were let go?
5	Q. And tell me when.	5	A. It had to do with -- I had
6	A. 1990.	6	health problems and I had requested
7	Q. Chapter 13 or Chapter 7?	7	accommodation, and it was regarding that.
8	A. Chapter 7.	8	Q. What kind of accommodation did
9	Q. Ever been arrested?	9	you request?
10	A. No.	10	A. I needed to go to physical
11	Q. Did you grow up in Montgomery,	11	therapy.
12	Ms. Beard?	12	Q. For what?
13	A. Yes.	13	A. A back problem.
14	Q. And where did you go to	14	Q. And did they --
15	school?	15	A. That's when I was first
16	A. You mean from --	16	diagnosed with degenerative disc disease.
17	Q. High school.	17	Q. In June of '03?
18	A. High school?	18	A. Well, I was actually diagnosed
19	Q. Yes, ma'am.	19	in March/April of that year.
20	A. Lanier.	20	Q. Of '03?
21	Q. And when did you graduate from	21	A. Uh-huh.
22	Lanier?	22	Q. And you're saying you
23	A. 1968.	23	requested accommodation to go to physical

8 (Pages 29 to 32)

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1 therapy?	1 the EEOC?
2 A. (Witness nodded head in the	2 A. We were going to file the
3 affirmative.)	3 lawsuit unless they wanted to settle
4 Q. And are you saying that	4 before we --
5 accommodation was denied?	5 Q. Do you know who the lawyer for
6 A. Yes.	6 Sabel was?
7 Q. And so what happened?	7 A. No. I mean, I can't
8 A. So I was terminated.	8 remember. It was somewhere -- somebody
9 Q. Who was your supervisor at	9 out of town.
10 Sabel?	10 Q. And were there any other jobs
11 A. Steve Dunlap.	11 that you were let go from? Again, I'm not
12 Q. What was his job?	12 talking about Coldwater Creek because
13 A. He was the credit manager.	13 we'll have time to discuss that.
14 Q. What were you doing for them?	14 A. No.
15 A. I was the assistant credit	15 Q. Are you working now?
16 manager.	16 A. No.
17 Q. And did you file suit against	17 Q. When was the last time you
18 them?	18 worked?
19 A. Yes.	19 A. August the 29th was the last
20 Q. And who represented you in	20 day I reported to work. I didn't actually
21 that case?	21 work that day.
22 THE WITNESS: Can I answer	22 Q. At Coldwater Creek?
23 that?	23 A. Right.
Page 34	Page 36
1 MR. NELMS: Yes.	1 Q. Is that '05 or '06?
2 A. Julian McPhillips. I can't	2 A. '06.
3 think of his name.	3 Q. And where have you looked for
4 Q. And what happened with that	4 work?
5 lawsuit?	5 A. I haven't.
6 A. I'm not -- the terms -- I'm	6 Q. Have you applied for Social
7 not --	7 Security disability?
8 MR. NELMS: Tell her what the	8 A. I am on Social Security
9 disposition is.	9 disability and have been since June of
10 Q. You settled the case?	10 2003.
11 A. Yes, it was settled.	11 MS. SINGER: Let's go off the
12 Q. Did you have to give a	12 record for a second. No. Let's go back
13 deposition in that case?	13 on. My mistake.
14 A. No.	14 Q. You've been on Social Security
15 Q. So it was settled before there	15 disability since June of 2003?
16 was any discovery in the case? Giving a	16 A. Right.
17 deposition or interrogatories, you know.	17 Q. And how much do you collect a
18 Do you know?	18 month?
19 A. No. I mean, I know I didn't	19 A. Now? I mean, it goes up every
20 do a -- there were no depositions. But,	20 year.
21 you know -- you know, it was before we	21 Q. Well, sure. Now.
22 filed the lawsuit actually.	22 A. Eight seventy-five.
23 Q. I see. Okay. You settled at	23 Q. A month?

9 (Pages 33 to 36)

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Page 37	Page 39
<p>1 A. Right.</p> <p>2 Q. And do you have a copy of</p> <p>3 the -- of your Social Security disability</p> <p>4 application?</p> <p>5 A. The application?</p> <p>6 Q. Yeah.</p> <p>7 A. I don't think so.</p> <p>8 Q. Did you have a lawyer?</p> <p>9 A. Yes.</p> <p>10 Q. Who was your lawyer?</p> <p>11 MR. NELMS: Was it here in</p> <p>12 town?</p> <p>13 THE WITNESS: Uh-huh. I can't</p> <p>14 think of her name.</p> <p>15 MR. NELMS: There's only a</p> <p>16 couple. Brenda Vann?</p> <p>17 THE WITNESS: She's on TV all</p> <p>18 the time.</p> <p>19 MR. NELMS: S. Kay Dansby?</p> <p>20 THE WITNESS: Yeah.</p> <p>21 MS. SINGER: Kay Dansby?</p> <p>22 MR. NELMS: D-A-N-S-B-Y.</p> <p>23 Q. (BY MS. SINGER) And what is</p>	<p>1 Q. And is the Social Security</p> <p>2 disability -- is it -- you obviously have</p> <p>3 worked since June of 2003, correct?</p> <p>4 A. (Witness nodded head in the</p> <p>5 affirmative.)</p> <p>6 Q. Is that yes?</p> <p>7 A. Yes.</p> <p>8 Q. And so is it that you can't</p> <p>9 work full time?</p> <p>10 A. Right. I can't sustain</p> <p>11 working eight hours a day, 40 hours a</p> <p>12 week. And also I have a lot of problems</p> <p>13 in the mornings, which makes it more</p> <p>14 difficult to work full time with -- in the</p> <p>15 kind of work that I have experience in.</p> <p>16 Q. Well, that's a good point.</p> <p>17 Tell me -- you were an assistant credit</p> <p>18 manager?</p> <p>19 A. (Witness nodded head in the</p> <p>20 affirmative.)</p> <p>21 Q. And as an assistant credit</p> <p>22 manager, tell me what some of the tasks</p> <p>23 were.</p>
Page 38	Page 40
<p>1 the nature of the disability for which</p> <p>2 Social Security pays you?</p> <p>3 A. I don't know exactly what you</p> <p>4 mean. What are my illnesses?</p> <p>5 Q. Yeah.</p> <p>6 A. I have --</p> <p>7 Q. For which Social Security</p> <p>8 sends you a check every month.</p> <p>9 A. I have degenerative disc</p> <p>10 disease and fibromyalgia.</p> <p>11 Q. Does fibromyalgia affect your</p> <p>12 joints?</p> <p>13 A. Yes. And, you know, like</p> <p>14 muscle tissue -- fibrous tissue.</p> <p>15 Q. Do you wear high heels?</p> <p>16 A. Yes.</p> <p>17 Q. Ever been told you ought not</p> <p>18 to wear high heels with fibromyalgia?</p> <p>19 A. No.</p> <p>20 Q. Ever been told that you might</p> <p>21 not to wear high heels for degenerative</p> <p>22 disc disease?</p> <p>23 A. No.</p>	<p>1 A. Well, the accounts were, you</p> <p>2 know, on computer, and I talked with</p> <p>3 owners and managers regarding payment.</p> <p>4 Also, when they sold steel, you know, and</p> <p>5 bought it on credit, it would come up on</p> <p>6 our computer, and we had to okay for them</p> <p>7 to -- okay it for them to have -- be able</p> <p>8 to have that much credit. In other words,</p> <p>9 based on their account.</p> <p>10 Q. Sure.</p> <p>11 A. And, you know, there were</p> <p>12 some -- we called accounts, you know --</p> <p>13 worked 60- and 90-day delinquent accounts</p> <p>14 and set up new accounts, you know, got the</p> <p>15 credit background and all that. And</p> <p>16 that's pretty much it.</p> <p>17 Q. Could you do that job today on</p> <p>18 a part-time basis?</p> <p>19 A. Probably -- I might could do</p> <p>20 it part time. I don't know.</p> <p>21 Q. Well, is there any part of</p> <p>22 that job that you could not do today? I</p> <p>23 understand Social Security says you can't</p>

10 (Pages 37 to 40)

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1	work eight hours a day, 40 hours a week.	1	your income tax?
2	That will be the given. But for those	2	A. (Witness shook head in the
3	other tasks that you've just described to	3	negative.)
4	me as the assistant credit manager, is	4	Q. Is that a no?
5	there any part of that -- of those tasks	5	A. No. Well, it's like from
6	that you could not do today?	6	friends or --
7	A. I could probably do it most of	7	Q. But you've been --
8	the time. I'm not sure I could do it all	8	A. -- family that were just
9	the time.	9	paying me to help me out.
10	Q. What do you mean by that?	10	Q. Well, who paid you to help you
11	A. Because when I get really	11	out?
12	stressed and then feeling really bad, you	12	A. Some family and friends.
13	know, I get nervous and I can't think as,	13	Q. Well, I want names.
14	you know -- as clearly as -- I don't know	14	A. My sister.
15	if it's part of the medication or what,	15	Q. Which one?
16	but I just -- I'm slower than I used to	16	A. Freddie.
17	be.	17	Q. And when did she pay you?
18	Q. Can you determine or predict	18	A. In 2000.
19	when you're going to be stressed?	19	Q. Who else?
20	A. No. Not always.	20	A. A friend of mine named Bob
21	Q. What other work experience do	21	McCain.
22	you have?	22	Q. Is he here in Montgomery?
23	A. I mean, like -- do you want --	23	A. Uh-huh.
Page 42		Page 44	
1	what do you want me to give you? Jobs or	1	Q. And what kind of freelance
2	what kind of experience I have or --	2	work did you do for Mr. McCain?
3	Q. Yeah. What kind of	3	A. Just helped him pick some
4	experience, yes, ma'am.	4	fabric out to -- for reupholstering and,
5	A. Well, I have other, you	5	you know, just suggestions for arranging
6	know -- finance and marketing and interior	6	furniture and, you know, hanging pictures,
7	design. Other -- you know, retail --	7	that type of thing.
8	interior design, furniture sales.	8	Q. When did you do that for him?
9	Q. Could you do that work part	9	A. I did that some in two
10	time, interior design and furniture sales?	10	thousand -- 2004, I think it was. Before
11	A. Uh-huh.	11	I went to work at Coldwater Creek.
12	Q. Is that a yes?	12	Q. And have you done any
13	A. Yeah. Most of the time. I	13	freelance work in the area of interior
14	mean, I haven't actually -- you know, I	14	design and furniture sales since you left
15	have done some of it like freelance -- a	15	Coldwater Creek?
16	little bit of freelance work of that type,	16	A. No.
17	which, you know, it's easier to do it when	17	Q. None at all?
18	I can make my own schedule, so to speak.	18	A. (Witness shook head in the
19	Q. Absolutely. I understand.	19	negative.)
20	Have you been paid for that freelance	20	Q. You said you also have some
21	work?	21	retail experience. Other than at
22	A. Yes.	22	Coldwater Creek, you've done some other
23	Q. And would it be reported on	23	retail work?

11 (Pages 41 to 44)

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1	A. (Witness nodded head in the	1	have enough money, you know, for the
2	affirmative.)	2	medical expenses and gas to get back and
3	Q. Is that a yes?	3	forth for treatments. And the Cancer
4	A. Yes.	4	Center referred me to a wellness
5	Q. For whom? What kind of	5	foundation that provided gas vouchers for
6	retail?	6	me to get back and forth for treatments
7	A. I worked at Parisian in their	7	and appointments. And then also I
8	shoe department, which was -- you know, it	8	received some grants from a cancer
9	wasn't -- the shoe department was owned by	9	organization.
10	a shoe company. I worked there for a few	10	Q. How much money did the
11	years.	11	wellness foundation give you?
12	Q. When did you work there? Do	12	A. They gave me gas vouchers. So
13	you remember?	13	I don't know.
14	A. That was in -- like '82 to	14	Q. Do you have any record of
15	'84.	15	that?
16	Q. All right. Well, could you	16	A. What that came to? No.
17	work part time selling shoes now?	17	Q. Is that taxable to you?
18	A. Probably.	18	A. No.
19	Q. Now, you also told me you have	19	Q. Now, you said -- I understood
20	some background in finance and marketing.	20	you to say that you also got some grants?
21	A. Right.	21	A. Right.
22	Q. Could you do finance and	22	Q. From whom?
23	marketing work on a part-time basis?	23	A. Cancer Care Organization.
Page 46		Page 48	
1	A. Probably.	1	Q. Where is that?
2	Q. What's the reason you haven't	2	A. It's -- I think it's in --
3	looked for work since leaving Coldwater	3	located in New York.
4	Creek?	4	Q. And do you know how much money
5	A. Because of health -- my	5	you received from Cancer Care?
6	health. And also the fact that -- what I	6	A. I think I got \$150 to -- you
7	went through at Coldwater Creek regarding,	7	know, different times and \$300 another
8	you know, everything that happened, you	8	time.
9	know, when I was trying to get an	9	Q. When was the last time you
10	accommodation for the health problems, and	10	received any money from Cancer Care?
11	the hostility and retaliation and	11	A. Last summer -- no. Wait. I
12	discrimination that I felt like I went	12	think I got -- I got \$150 in October.
13	through. I have this fear of what's going	13	This past October.
14	to happen when I go back to work.	14	Q. Is that taxable income to
15	Q. But you haven't looked for	15	you? Do you know?
16	work?	16	A. No.
17	A. No.	17	Q. You're currently being treated
18	Q. And are there any other sums	18	by Dr. Jakes; is that correct?
19	of money that you receive on a monthly	19	A. Uh-huh.
20	basis other than the \$875 from Social	20	Q. Is that a yes?
21	Security?	21	A. Yes.
22	A. No. But I did get some help	22	Q. And are you currently being
23	after I lost my job because I -- I didn't	23	treated by Dr. Herrick or not?

12 (Pages 45 to 48)

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1	A. Yes.	1	got my last shot in October -- the shots
2	Q. You still see Dr. Herrick?	2	are not working anymore, and I need to
3	A. Yes.	3	hurry up and have the surgery because the
4	Q. When was the last time you saw	4	shots are not working very well anymore.
5	Dr. Herrick?	5	It's gotten really bad. And I was
6	A. May of 2007. And I have an	6	planning to have it this January, but I
7	appointment with him February the 28th.	7	haven't had it yet. You know, all this
8	Q. You see him, what, every six	8	came up. So, anyway, I have an
9	months or so? Is that about right?	9	appointment with the surgeon Tuesday to
10	A. Uh-huh.	10	see about it.
11	Q. Was that on an as-needed	11	And that's one of the reasons that I
12	basis? I mean, I'm just -- I'm trying to	12	haven't gone back to work, is because --
13	find out, Ms. Beard.	13	actually, what, you know -- after I lost
14	A. Sort of. I guess I would have	14	the job at Coldwater Creek -- a month
15	to -- I usually see him -- at first I saw	15	after I lost the job, it was suggested to
16	him every six months, and then he put it	16	me to apply for unemployment. I applied
17	to once a year. I'm seeing him for	17	for unemployment. So I was able to draw
18	something else besides what I've been	18	my unemployment for six months, which, you
19	seeing him for on the 28th.	19	know -- while I finished the radiation
20	Q. You've been seeing him for the	20	treatments. And I suffered a lot of
21	neck pain?	21	fatigue during that period of time. And
22	A. Right.	22	so I didn't -- that's one reason I didn't
23	Q. And now what are you going to	23	try to go back to work.
Page 50		Page 52	
1	see him for?	1	And then, once the unemployment ran
2	A. Headaches.	2	out, I was -- that's when I was going to
3	Q. And what other doctors are you	3	try to go back to work, but I was having
4	currently seeing, other than Dr. Herrick	4	the, you know, stress and anxiety about
5	and Dr. Jakes?	5	what I mentioned, you know, about my
6	A. Dr. Epperson.	6	concern about the problems. But that's at
7	Q. Who is Dr. Epperson?	7	the -- around that same time is when my
8	A. A neurologist.	8	wrists started -- you know, were getting a
9	Q. And what are you seeing	9	lot worse. And that's associated with my
10	Dr. Epperson for?	10	fear of going back to work. I don't want
11	A. Back -- the back problems and	11	to start another job where I have to be
12	I have carpal tunnel. And, actually,	12	off to have surgery. And so I have -- I
13	Dr. Jakes is giving me -- I have to get	13	need to have surgery on both wrists, and I
14	shots in my wrists about every three	14	still need to have some reconstruction
15	months now. And, actually, I was supposed	15	surgery. And I wanted to get that done.
16	to -- I probably would have had the	16	Q. All right. So you're seeing
17	surgery by now if I hadn't had the cancer	17	Dr. Epperson for back problems and your
18	and all that. It was kind of planned for	18	carpal tunnel. When was the first time
19	that summer. And I haven't had it yet	19	you saw Dr. Epperson?
20	because I haven't been able to afford the	20	A. In 2003.
21	co-payments and everything to have it	21	Q. When was the last time you saw
22	done.	22	him?
23	And, actually, I had it -- when I	23	A. Like a week and a half ago.

13 (Pages 49 to 52)

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1	Q. And are you seeing any other	1	A. June of 2006.
2	physicians?	2	Q. That's the first time you saw
3	A. Well, the surgeon I'm going to	3	her?
4	have -- that I have an appointment with.	4	A. I think so.
5	Dr. Hester.	5	Q. Who diagnosed the breast
6	Q. And he's going to do your hand	6	cancer?
7	or he's going to do reconstruction	7	A. Well, I had -- I found a lump,
8	surgery -- reconstruction surgery?	8	and then I had a mammogram. So the -- it
9	A. He's for the carpal tunnel.	9	was diagnosed from the mammogram.
10	Q. Any other physicians that you	10	Q. Was the mammogram done here?
11	see?	11	A. Yes.
12	A. Primary care physician.	12	Q. Do you know who the
13	Q. Who's your primary care	13	radiologist was?
14	physician?	14	A. No.
15	A. Cathy Middleton.	15	Q. All right. And did you have a
16	Q. And when was the last time you	16	mastectomy or a lumpectomy?
17	saw Dr. Middleton?	17	A. A lumpectomy.
18	A. Last May or June or somewhere	18	Q. And when did you have the
19	around that time.	19	lumpectomy?
20	Q. And what did you see her for?	20	A. In June of 2006.
21	A. The antidepressant that I was	21	Q. And is it outpatient surgery?
22	taking.	22	A. Yes.
23	Q. Did she prescribe it?	23	Q. So you go in in the morning
Page 54		Page 56	
1	A. Not originally.	1	and you're out in the afternoon, or you go
2	Q. Well, who originally	2	in in the afternoon and you're out in the
3	prescribed it?	3	later afternoon? Which one was it for
4	A. An oncologist.	4	you?
5	Q. And who is that oncologist?	5	A. Afternoon.
6	A. Dr. Padazangah.	6	Q. And who took you?
7	Q. Can you spell it?	7	A. My sister. My younger sister.
8	A. I can try.	8	Q. Is that Sally?
9	Q. Sure.	9	A. Yes.
10	A. P-A-D-A-Z-A-N-G-A-H -- G-H-A	10	Q. And then when did you first
11	or something like that.	11	receive radiation treatment?
12	Q. And where is he?	12	A. August -- August the 7th I
13	A. It's a woman.	13	think is when it started.
14	Q. Where is she?	14	Q. And how many radiation
15	A. She's in Montgomery.	15	treatments did you receive?
16	Q. And she's your oncologist?	16	A. It was supposed to be for
17	A. She was. I'm not seeing her	17	eight weeks. So I've been -- I had that
18	anymore.	18	many. It wasn't -- I had to miss some.
19	Q. When was the last time you saw	19	So it wasn't a straight eight weeks, but
20	her?	20	it was a total of eight weeks.
21	A. Last spring.	21	Q. How come you had to miss some,
22	Q. When was the first time you	22	Ms. Beard?
23	saw her?	23	A. I got sick after the first

14 (Pages 53 to 56)

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<p>1 week I started the radiation. I got sick, 2 and I missed two one week and then the 3 next week I was sick in bed and missed the 4 whole week. 5 Q. All right. 6 A. And then another time I missed 7 a week because -- when your skin gets -- 8 if it gets burned to a certain degree, 9 they stop the treatments until it gets 10 better. 11 (WHEREUPON, a document was 12 marked as Defendant's Exhibit Number 2 and 13 is attached to the original transcript.) 14 Q. I'm going to show you what 15 your lawyer gave me this morning -- 16 because this is the first time I'm seeing 17 it. And I'm going to mark it as 18 Defendant's Exhibit Number 2. 19 If you would -- this is dated at the 20 top. This is a four-page document, 21 correct? 22 A. Yes. 23 Q. And is that your handwriting</p>	<p>1 A. I wear reading 2 glasses sometimes. 3 Q. Do you have them with you? 4 A. No. 5 Q. Because I'm going to ask you 6 to look at a bunch of documents today. 7 When you -- 8 A. Well, I mean, I can see it. 9 Q. All right. Where were you 10 working immediately prior to going to 11 apply at Coldwater Creek? 12 A. I had worked for like a month 13 at a telemarketing place. 14 Q. Why only a month? 15 A. Well, I mean, I just -- that 16 was the first job I had gotten since I had 17 been, you know, determined disabled. And 18 I don't remember if I applied -- if I had 19 applied at Coldwater Creek before I 20 started that job or not because, you know, 21 I applied through the mail to Coldwater 22 Creek. 23 But, you know, I just took that job</p>
Page 58	Page 60
<p>1 on the first page? 2 A. Where it says doctor excuses 3 and accommodation request? 4 Q. Yes. 5 A. Yes. 6 Q. Can you read the rest of it? 7 A. Accommodation request for 8 employee terminated before able to turn 9 in. 10 Q. That's your handwriting, 11 correct? 12 A. Right. 13 Q. So was -- nobody at the -- at 14 Coldwater Creek saw this note; is that 15 correct? 16 A. Right. 17 Q. And who was the radiologist? 18 I mean, who -- or who does radiation? Is 19 it an oncologist? 20 A. Yes. Dr. Helvie. 21 Q. Dr. Helvie? 22 A. He was the radiation doctor. 23 Q. Do you wear glasses?</p>	<p>1 kind of to see how I would do working. 2 And I hated it, for one thing. So, you 3 know, when the opportunity to work at 4 Coldwater Creek came up, I left it. 5 Q. Were you able to work at home? 6 A. No. 7 Q. Do you remember what the name 8 of the telemarketing company was? 9 A. ASK, A-S-K. 10 Q. So do I understand that you 11 left Sabel Industries the same month that 12 you learned that you received the Social 13 Security disability? 14 A. Well, I mean, no. I did -- 15 you have to -- I didn't apply for it until 16 like March of 2004. 17 Q. And then they made it 18 retroactive? 19 A. Right. But they -- you know, 20 when I was awarded -- they said I was 21 determined to be disabled as of June of 22 2003. 23 MS. SINGER: Can we go off the</p>

15 (Pages 57 to 60)

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1	record for a second?	1	would, could you identify this for me,
2	(Off-the-record discussion.)	2	please?
3	Q. And so after -- tell me --	3	A. It's the application I filled
4	after you left Sabel, where did you go to	4	out at Coldwater -- for Coldwater Creek.
5	work?	5	Q. All right. And it says that
6	A. I didn't go to work anywhere	6	you cannot work the morning hours,
7	until I went to work at ASK.	7	correct?
8	Q. Until you went to do the	8	A. Yes. I was asking not to work
9	telemarketing?	9	morning hours.
10	A. Right.	10	Q. All right. So you didn't want
11	Q. And so does that mean you were	11	to work before 1:00 due to other work; is
12	out of work for about 11 months? Because	12	that correct?
13	if you left Sabel in June of '03 and then	13	A. Right.
14	you came to work for Coldwater Creek --	14	Q. What other work were you
15	A. And I went to work at ASK	15	doing?
16	in -- like May, because I came to work at	16	A. That was -- I had thought that
17	Coldwater Creek in June.	17	I might do some freelance-type work or
18	Q. So you were out of work for	18	something, but I never did.
19	about 11 months?	19	Q. So you did not have another
20	A. (Witness nodded head in the	20	job?
21	affirmative.)	21	A. No.
22	Q. Is that right?	22	Q. At any time when you worked at
23	A. Right.	23	Coldwater Creek, did you have another job?
Page 62		Page 64	
1	Q. Did you look for work at all	1	A. Yes.
2	during that period of time?	2	Q. Tell me about the other job.
3	A. No.	3	A. It was called OSI, Outsourcing
4	Q. Did you --	4	Services.
5	A. I drew unemployment.	5	Q. Is that here in Montgomery?
6	Q. When you drew unemployment	6	A. Yes.
7	from -- after you left Coldwater Creek,	7	Q. And what does OSI do?
8	how much -- what did you receive from	8	A. They handle, you know, billing
9	Social -- unemployment?	9	and -- and customer service for Direct TV
10	A. I can't remember the exact	10	and BellSouth.
11	amount. I don't remember. I can find	11	Q. All right. And when did you
12	out. I can look it up at home. But I	12	start to work for OSI?
13	want -- it might be \$190. I don't know.	13	A. In April of '05.
14	A week. But I'm not sure if that was it	14	Q. And when did you stop working
15	or not. And, again, it could have been	15	for OSI?
16	109, you know. It was probably 109,	16	A. Well, actually, I didn't work
17	because it wasn't very much.	17	anymore -- the last day I worked was
18	(WHEREUPON, a document was	18	sometime in December, but I actually
19	marked as Defendant's Exhibit Number 3 and	19	resigned on January the 9th of 2006.
20	is attached to the original transcript.)	20	Q. And what's the reason that you
21	Q. All right. Let me show you	21	resigned?
22	what I am marking as Defendant's Exhibit	22	A. Because it was too hard to,
23	Number 3. And if you would -- and if you	23	you know -- I was worn out from working

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<p>1 two jobs. And the whole time I had wanted 2 to get more hours at Coldwater Creek. 3 And like, when I originally started 4 at OSI, I was working 20 hours a week. 5 And then in August, first of September, I 6 was able to get more hours at Coldwater 7 Creek. So I had my hours cut back at OSI 8 to just three -- supposed to be three days 9 a week. 10 Sunday, Monday, and Tuesday I was 11 going to work at OSI, and then I was going 12 to be off on Wednesday and work Thursday, 13 Friday, and Saturday at Coldwater Creek, 14 which is what I tried to do. But, 15 unfortunately, Coldwater Creek kept 16 scheduling me for all four days. So I was 17 working seven days a week, which was what 18 led to part -- to some of my problems. 19 But I was supposedly going to be 20 able to get more hours at Coldwater 21 Creek. And so, you know -- and I -- and I 22 didn't like working there. I only was 23 working there for the money because I</p>	<p>1 worked in the afternoon. You know, like 2 it was never more than 20 hours, or it 3 might have been a little less. Because if 4 you worked on the weekend, you didn't 5 work, you know, during the week. 6 Q. And would you go to their 7 office? 8 A. Yes. 9 Q. What kind of work -- and what 10 did you do? 11 A. Well, it was on computer, you 12 know. You wore a head set. Calls were 13 coming in. And, you know, the account 14 would pop up on your -- a computer, and 15 you would, you know, help them with 16 billing questions or service, you know. 17 You could sell, you know, more -- a bigger 18 package for Direct TV, that type thing. 19 Q. And how were you paid? 20 A. And you took payments. 21 Q. How were you paid? Hourly or 22 commission? 23 A. Hourly. But what you could</p>
Page 66	Page 68
<p>1 wasn't getting enough hours and making 2 enough money at Coldwater Creek. 3 Because when you go on disability, 4 you don't have any medical insurance for 5 two years. So I didn't have any medical 6 insurance. And I was going to, you know, 7 qualify for medical insurance starting in 8 2006. So that was going to help me out as 9 far as financially. But it was a real 10 hardship, trying to work both jobs. 11 Q. Well, you're on Medicare now, 12 correct? 13 A. Right. 14 Q. And you worked at OSI from 15 April through December of '05? 16 A. Uh-huh. 17 Q. Is that correct? When would 18 you go to work for them? What hours? 19 A. 6 to 10. 20 Q. 6 p.m. to 10 -- 21 A. 6 to 10 at night, during the 22 week. And then some Saturdays you worked 23 in the afternoon and some Sundays you</p>	<p>1 make -- like a commission-type bonus. 2 But, unfortunately, I never did. 3 Q. Could you do that kind of work 4 today? 5 A. (Witness nodded head in the 6 affirmative.) 7 Q. Is that a yes? 8 A. Yes. I guess so. 9 Q. Was that a place where you 10 could make your own hours? 11 A. No. 12 Q. So you didn't have any -- 13 A. I mean, I might can do -- I 14 had a problem with -- I have more of a 15 problem sitting all day or sitting for 16 periods of time, which there they were 17 real strict. You know, it was the type of 18 place that you sat there at your desk the 19 whole time and worked, and you had like a 20 15-minute break. And that was difficult 21 for me because sometimes I needed to get 22 up when it wasn't my 15-minute break. 23 And that was one reason why I liked</p>

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<p>1 the retail, where I got to stand up and 2 walk around, because that's actually 3 easier for me with my back and my -- it's 4 just enough exercise to be good for me 5 rather than -- and I seem to have more 6 difficulty with sitting. And I couldn't 7 do it today, right now, until I get my 8 carpal tunnel fixed. 9 Q. Because you can't use a 10 computer right now? 11 A. Right. I mean, I can't do 12 anything until I have the surgery for the 13 carpal tunnel because it has gotten so 14 severe. 15 Q. What could you do? 16 A. And I also have arthritis in 17 one hand. 18 Q. So could you do a retail job? 19 A. Right now? 20 Q. Yes. 21 A. I don't know, you know. 22 Because I -- when I worked at Coldwater 23 Creek, I worked at the cash rap a lot.</p>	<p>1 that. I don't think I could do it right 2 now while I -- until I have this surgery 3 for the carpal tunnel because it is 4 extremely severe. The doctor told me I 5 need to have the surgery, certainly on my 6 left hand, as soon as possible. 7 Q. Well, isn't it true, 8 Ms. Beard, that Dr. Jakes recommended 9 years ago that you have the surgery for 10 carpal tunnel? 11 A. He's been telling me that I 12 needed to have the surgery. And like I 13 said, it was planned for the summer that I 14 was diagnosed with the cancer. 15 Q. But even before that, ma'am, 16 didn't he tell you you needed to have the 17 carpal tunnel surgery? 18 A. I don't know if he told me to 19 have it very much before that because it 20 wasn't that bad. When I -- you know, when 21 I -- first, when I got the shots -- 22 actually, I first started having -- 23 getting the shots in my elbows, and it</p>
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<p>1 And I didn't have any problems with my 2 hands hurting while I was actually there 3 doing the work. I guess because I was 4 taking the pain pills and whatever. But 5 at night, you know, they would really hurt 6 a lot. You know, we had to straighten 7 with the hangers and fold and do a lot of 8 that stuff, and I had noticed the effects 9 of it at night. 10 So I don't know how bad it would be 11 right now. It probably would be -- I 12 would think it would be a problem because 13 I have problems with it every -- all day. 14 You know, it's a constant problem for me 15 right now. I usually wear the braces, you 16 know, at home, and I sleep in them every 17 night. 18 Q. So is there no work you can do 19 right now? Because when I asked you 20 earlier today, you said that you could -- 21 A. Well, I mean, I was thinking 22 about mentally. You know, I don't know 23 what -- I mean, I was not thinking about</p>	<p>1 wasn't necessarily diagnosed as carpal 2 tunnel. We didn't know what was causing 3 the problem. And then -- and I wouldn't 4 get -- I would go like six months or 5 longer before I got shots. You know, I 6 didn't -- it gradually worked up to where 7 I had to get the shots every three months. 8 Q. I understand. 9 (WHEREUPON, a document was 10 marked as Defendant's Exhibit Number 4 and 11 is attached to the original transcript.) 12 Q. I'm going to show you what I 13 am marking as Exhibit Number 4. And if 14 you would, identify this for me. 15 A. It's just a new hire form that 16 we filled out when -- from being hired at 17 Coldwater Creek and listing someone to 18 contact in case of emergency. 19 Q. Sure. And you remember 20 signing this, correct? 21 A. Right. 22 (WHEREUPON, a document was 23 marked as Defendant's Exhibit Number 5 and</p>

18 (Pages 69 to 72)

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<p>1 is attached to the original transcript.)</p> <p>2 Q. And I'm going to mark this as</p> <p>3 Exhibit Number 5. Will you identify this</p> <p>4 for me, please?</p> <p>5 A. Coldwater Creek handbook.</p> <p>6 Q. And you remember receiving a</p> <p>7 copy of this handbook, correct?</p> <p>8 A. Right.</p> <p>9 Q. Anything about this handbook</p> <p>10 you didn't understand?</p> <p>11 A. No. Well, they -- the hours.</p> <p>12 You know, they told you that you were</p> <p>13 going to get -- part-time people are</p> <p>14 supposed to be getting a certain number of</p> <p>15 hours, and that -- we didn't get the</p> <p>16 number of hours that we were told we were</p> <p>17 going to be getting when we were hired.</p> <p>18 Q. Who is "we"?</p> <p>19 A. All the people that were hired</p> <p>20 when I was.</p> <p>21 Q. Who else was hired when you</p> <p>22 were?</p> <p>23 A. Well, I can't remember</p>	<p>1 Q. What other paperwork regarding</p> <p>2 Coldwater Creek do you have at home?</p> <p>3 A. I have all my schedules. A</p> <p>4 copy of all my schedules. And I have my</p> <p>5 employee handbook. I have a copy of my</p> <p>6 review that I received the first year that</p> <p>7 I was there. The only review that I ever</p> <p>8 received. Some other books that are --</p> <p>9 you know, that related to the</p> <p>10 merchandise. You know, information about</p> <p>11 merchandise and helping the customer in</p> <p>12 the dressing room, that type of thing.</p> <p>13 Q. And are you saying that you</p> <p>14 and Deborah and Stephanie and Pat were all</p> <p>15 hired about the same time or on the same</p> <p>16 day?</p> <p>17 A. Well, I don't know the exact</p> <p>18 day they were hired. But we were all</p> <p>19 hired to open the store, because it was a</p> <p>20 brand-new store that opened in EastChase.</p> <p>21 And so, you know, nobody had worked there</p> <p>22 before. So we -- you know, we all went to</p> <p>23 a training class -- we went through</p>
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<p>1 everybody's name, but I --</p> <p>2 Q. The best you can.</p> <p>3 A. I can give you first names.</p> <p>4 Q. All right.</p> <p>5 A. Pat, Stephanie, Deborah,</p> <p>6 Michelle. She was a manage -- in</p> <p>7 management.</p> <p>8 Q. So she was not part time?</p> <p>9 A. No.</p> <p>10 Q. But Pat, Stephanie, and</p> <p>11 Deborah --</p> <p>12 A. There was a lot more people,</p> <p>13 though. I'm just kind of drawing a</p> <p>14 blank. I mean, I still have their names</p> <p>15 at home, but --</p> <p>16 Q. Really? What do you have at</p> <p>17 home that relates --</p> <p>18 A. It's their phone list. It's a</p> <p>19 phone list that when we -- you know, just</p> <p>20 the list with everybody's name on it, with</p> <p>21 their phone numbers.</p> <p>22 Q. And you have that at home?</p> <p>23 A. Uh-huh.</p>	<p>1 training together and helped get the store</p> <p>2 stocked and ready to open.</p> <p>3 Q. And who trained you?</p> <p>4 A. It was a lady that came from</p> <p>5 another store, and I can't remember her</p> <p>6 name.</p> <p>7 Q. And what did they tell you?</p> <p>8 You and Deborah and Stephanie and Pat,</p> <p>9 last names to be discerned --</p> <p>10 A. Well, there was a lot more --</p> <p>11 it was like 20 or so people.</p> <p>12 Q. And everybody was part time?</p> <p>13 A. Everybody but management.</p> <p>14 And, in fact, you know, that was one of</p> <p>15 the things we -- we thought it was going</p> <p>16 to be a really big store, because</p> <p>17 Coldwater Creek has different size stores.</p> <p>18 And we were shocked when we saw the size</p> <p>19 of the store because there were so many of</p> <p>20 us.</p> <p>21 Q. And what did they tell you --</p> <p>22 well, first of all, who told you anything</p> <p>23 about hours?</p>

19 (Pages 73 to 76)

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1	A. Mary Ralph, who was the	1	that correct?
2	manager.	2	A. Yes.
3	Q. At the time?	3	Q. And you were disappointed from
4	A. Uh-huh.	4	the beginning of your employment with
5	Q. And what do you --	5	Coldwater Creek?
6	A. Well, when I was working at	6	A. Yes. For that reason.
7	ASK, I was working 20 -- definitely -- you	7	Q. Not being given the number of
8	had to work 20 hours. You could work 24	8	hours you wanted to work, which was
9	hours because you could work some hours on	9	between 20 and 24?
10	Saturday if you wanted to.	10	A. Right.
11	Q. Now, was that at the --	11	Q. And who else was disappointed?
12	A. Telemarketing place. Which I	12	A. The majority of the people,
13	left to take the job at Coldwater Creek.	13	which, you know, I can't remember
14	And so she asked me how many hours I	14	everybody's name. There was a girl named
15	wanted, you know. What do you want? She	15	Jill. And I don't know why I can't think
16	said, you can have whatever you want. And	16	of everybody's name because it's like I
17	I said, well, I'd like to have 20 to 24	17	knew them so well, but I just can't think
18	hours a week and not -- you know, that --	18	of them right now.
19	not any more than that, you know. And she	19	Q. Have you shopped at Coldwater
20	said, that's no problem. Well, I rarely,	20	Creek since you left there?
21	if ever, got that. And it was very	21	A. No.
22	difficult for me because, you know, that	22	Q. Did you shop there before?
23	was my sole income, because I had not	23	A. Yeah. Before I worked there?
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1	received the money from my disability yet.	1	Q. Well, I guess you said you
2	Q. All right. But you told her	2	opened the store. Did you shop while you
3	you wanted to work between 20 and 24 hours	3	were there?
4	a week?	4	A. Yes. Definitely.
5	A. Right.	5	Q. So is it your testimony here
6	Q. No more than that, correct?	6	today that no one -- or based on what you
7	A. And a lot of the other	7	understand, no one who was working part
8	employees, you know, they all picked and	8	time, which was everybody but management,
9	-- the kind of hours they wanted, you	9	received the number of hours that they had
10	know. There were some people that had	10	requested when they signed on?
11	full-time jobs and they only wanted to	11	A. I can't say that nobody
12	work at night during the week, and some	12	received them. Like, you know, the people
13	people that only wanted to work during the	13	that had full-time jobs, basically they
14	day or during the week and they didn't	14	could only work from 6 to 9 at night. You
15	want to work on the weekend because they	15	know, pretty much most of them worked till
16	had families. Different -- people had	16	at least 5. And, you know, some -- and
17	different reasons for their schedules that	17	some of them wanted to work on the
18	they wanted and the hours they wanted.	18	weekend, and they did. So, you know, some
19	But the majority of the people were	19	of those people that had full-time jobs
20	very disappointed because we did not get	20	where, you know, they had a good income
21	the kind of hours that we were told we	21	anyway, you know, they may have been
22	would get.	22	satisfied with the hours.
23	Q. So you were disappointed; is	23	But there was still a lot of comment

20 (Pages 77 to 80)

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<p>1 about -- you know, I don't know who -- you 2 know, I can't say for sure. But there was 3 a lot of comments about this -- this is a 4 lot of people to try to get enough hours 5 for this small store, which, you know -- 6 and, you know, it was a lot of discussion 7 among us that we weren't getting the kind 8 of hours that we -- you know, we all 9 talked to each other. Well, I was told 10 I'd get this and I was told I'd get that, 11 and we're not getting it. 12 Q. Do you know if any of these 13 other women were receiving Social Security 14 disability? 15 A. Not that I know of. 16 Q. Do you know of any of them who 17 had a disability? 18 A. No. 19 Q. I'm going to show you -- 20 A. Well, there was -- there was a 21 girl that -- but she wasn't on 22 disability. I think she had some -- like 23 lupus or something.</p>	<p>1 marking as Defendant's Exhibit Number 7, 2 and see if you can identify this for me. 3 And I will tell you that it's 59 pages, 4 because I counted it. 5 A. It says it's the timecard, but 6 this is not something that I saw. 7 Q. All right. 8 A. You know, this is not 9 something that I ever saw. 10 Q. Did you have to clock in and 11 clock out? 12 A. Yes. 13 Q. And did your timecard look 14 like what I've marked as Defendant's 15 Exhibit Number 7? 16 A. Well, it's -- it was in the 17 computer, you know. And you didn't see 18 all this. You could just see when you 19 clocked in, you know, that it took. But 20 it didn't -- you didn't have this list, 21 that I recall. 22 Q. Well -- 23 A. I think at the end of the week</p>
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<p>1 Q. Do you remember her name? 2 A. No, I can't remember it. But 3 she was like a good -- a friend of mine, 4 but I can't remember her name. It might 5 come to me before it's over with, but I 6 can't think of it off the top of my head. 7 Q. Did she leave Coldwater Creek 8 before you did? 9 A. Uh-huh. 10 Q. Is that a yes? 11 A. Yes. 12 (WHEREUPON, a document was 13 marked as Defendant's Exhibit Number 6 and 14 is attached to the original transcript.) 15 Q. Let me show you what I'm 16 marking as Defendant's Exhibit Number 6. 17 If you would, just identify this for me. 18 A. I guess an information form 19 that I filled out when I was hired. 20 (WHEREUPON, a document was 21 marked as Defendant's Exhibit Number 7 and 22 is attached to the original transcript.) 23 Q. I'm going to show you what I'm</p>	<p>1 you could get this list. Like you were 2 supposed to go in at the end of the week 3 and like sign it, but we didn't do it. 4 Q. All right. 5 A. Very rarely. You know, we 6 sort of attempted to do that some at the 7 beginning, you know, when -- after the 8 store first opened or at some point in 9 time. I remember doing it on occasion. 10 But they just didn't have us do it. 11 Q. Well, this seems to reflect 12 what your schedule was at the store, does 13 it not? I know you don't have your 14 reading glasses. So take your time. 15 A. I'm sure that's what it is. 16 Q. Why don't you just take a 17 moment and just look at it. 18 A. (Witness complied.) 19 Q. Does that look like a 20 schedule? 21 A. Uh-huh. 22 Q. Is that a yes? 23 A. Yes.</p>

21 (Pages 81 to 84)

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<p>1 Q. Would the schedule be in the 2 computer? 3 A. Uh-huh. 4 Q. Is that a yes? 5 A. Yes. 6 Q. So you would look on the 7 computer to see what your schedule was? 8 A. No. 9 Q. You would just come in and -- 10 A. Clock in. 11 Q. -- clock in on the computer? 12 A. Right. 13 Q. And how did you know your 14 schedule? 15 A. It was -- they gave it to us, 16 on a piece of paper. 17 Q. Was it a piece of paper that 18 looked like this? 19 A. No. It was like handwritten. 20 Or, you know, you might even write it 21 yourself and, you know, get it off a list. 22 Like they'd put everybody's schedule on 23 this one piece of paper, and you'd just</p>	<p>1 Q. Well, you came in June of '04, 2 correct? 3 A. Right. 4 Q. And then you left in August of 5 '06, correct? 6 A. A little over two years. 7 Q. All right. So you can do that 8 calculation, right? 9 A. (Witness nodded head in the 10 affirmative.) 11 Q. I'm not being disrespectful. 12 You can do that kind of calculation? 13 A. Right. 14 Q. Do you remember if you 15 worked -- if you were scheduled to work 16 before 1:00 on any -- during any time or 17 any period? 18 A. Actually, the very first 19 schedule they made out, they had me 20 scheduled to come in at sometime in the 21 morning, you know, which I immediately 22 told them, you know, that that -- I 23 couldn't work those hours, and that was</p>
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<p>1 look at it and write your own down, for 2 yourself. 3 Q. But this looks like the 4 schedule, correct? It doesn't look like 5 the schedule you received, but it looks 6 like your schedule at work? 7 A. Right. 8 Q. All right. Thank you. 9 Now, you asked to work starting at 10 1:00, correct? 11 A. Yes. 12 Q. Is that correct? 13 A. 1:00 or later, you know. It 14 didn't have to be 1:00. But not before 1. 15 Q. And during the -- let's see. 16 You worked for Coldwater Creek for about 17 26 months, correct? 18 A. Yeah. I guess so. 19 Q. Well, you tell me. 20 A. Yes. 21 Q. How long did you work for 22 Coldwater Creek? 23 A. Almost two years.</p>	<p>1 not what I was hired to work. But I did 2 have -- I did come in once or twice during 3 the first couple of weeks at like 12 or 4 12:30 or something, but that was the only 5 time, really. 6 Q. So after that you did work at 7 1:00 or after 1:00, correct? 8 A. Right. 9 Q. For the whole time that you 10 were -- 11 A. Employed. 12 Q. -- employed? All right. 13 MS. SINGER: I need to take a 14 break for a moment, if you don't mind. 15 2:15 p.m. 16 (Recess taken.) 17 2:22 p.m. 18 Q. Do you remember telling 19 Dr. Jakes that -- back in July of 1998 20 that you were fired from a job and were 21 considering applying for disability? 22 A. In '98? 23 Q. Yes, ma'am.</p>

22 (Pages 85 to 88)

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<p>1 A. I know I was considering -- I 2 considered applying for disability because 3 that's when I was diagnosed with 4 fibromyalgia. 5 Q. Well, do you remember being 6 fired from a job sometime in or around 7 1998? 8 A. No. 9 Q. When was the first time you 10 applied for disability? 11 A. I applied in 1998. 12 Q. Do you remember telling 13 Dr. Jakes in 1999 that you had been 14 missing work because you were too tired to 15 go to work? 16 A. Yeah. I'm sure I've told him 17 that. 18 Q. And do you remember telling 19 Dr. Jakes in 2001 that you had lost two 20 jobs in -- due to not being able to go to 21 work because of sore throats? 22 A. Well, I've left jobs because I 23 knew they were going to terminate me and I</p>	<p>1 commission. 2 This was a new store that had 3 opened. I started to work there when that 4 store opened. And our business was really 5 bad, and it was a draw against 6 commission. And the draw was like minimum 7 wage. And none of us were making any 8 money. And, you know, I wasn't happy 9 there because I wasn't making any money, 10 and it was a lot of like back stabbing, 11 stealing customers. Everybody was so 12 desperate to make some money and stuff 13 then. I felt like I would be let go, and 14 so I left there. 15 Q. So you left there because you 16 knew you were going to be fired, or you 17 left there because their -- 18 A. I mean, I was unhappy, but I 19 anticipated that I would be let go. 20 Q. Because you were sick? 21 A. Yes. I was -- I had an 22 infection like every two or three weeks. 23 The entire time I was working there.</p>
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<p>1 was sick -- because I was sick all the 2 time. 3 Q. Which jobs did you leave 4 because you knew you were going to be 5 terminated? 6 A. The job that I had at Ethan 7 Allen. 8 Q. When was that? 9 A. In 2000. I worked there -- I 10 don't have that on here, but I worked 11 there in 2000. 12 Q. You're looking at the list 13 that's in the record as Defendant's 14 Exhibit Number 1, correct? 15 A. I worked at Ethan Allen two 16 different times. 17 Q. Well, when did you 18 leave anticipating that you were going to 19 be fired? 20 A. Ethan Allen. I was sick the 21 entire time I worked there. I had -- 22 constantly had an infection. And I 23 worked -- it was a draw against</p>	<p>1 Q. Are you smoking? 2 A. I do smoke. 3 Q. Have you been told to stop 4 smoking? 5 A. Well, it's been suggested to 6 me. 7 Q. Strongly suggested? 8 A. No. But it is something I've 9 tried -- I mean, I can't -- I haven't been 10 able to quit, but it's something I'm 11 hoping to try to do. 12 Q. Well, have you ever taken any 13 medicine to help you try to quit? 14 A. No. I've -- I was told -- 15 actually, it was my insurance company. I 16 was talking to them about that new drug 17 they have out called Chantix. And if I -- 18 if my doctor contacts the insurance 19 company, you know, recommending that I try 20 it -- because I had tried other things and 21 haven't been successful. Because I've had 22 cancer, that -- in other words, you know, 23 a letter from one of my doctors might be</p>

23 (Pages 89 to 92)

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1 able to get the insurance to pay for the 2 medicine for me. And so I'm planning on 3 pursuing that.	1 really for the very early part of your 2 employment with Coldwater Creek, they did 3 allow you to work after 1:00, correct?
4 Q. Well, what insurance? What 5 insurance do you have?	4 A. Right.
6 A. Med -- through Medicare.	5 Q. But you are saying that, in 6 fact, you did come to work late, correct?
7 Q. Have you ever told Dr. Jakes 8 that you didn't want to stop smoking 9 because you didn't want to gain weight?	7 A. On occasion. Yes.
10 A. I've told him that I was 11 afraid that I would gain weight if I quit 12 smoking.	8 Q. When you say "on occasion," do 9 you have any independent recollection how 10 often you were late from June until 11 December of '05?
13 Q. And you see Dr. Jakes for the 14 fibromyalgia; is that correct?	12 A. No. But I know that I
15 A. Right.	13 started -- I was having a lot of trouble 14 because that was during that time. Well, 15 like the end of July and August. That's 16 when the manager, Mary Ralph, left, and 17 also a lot of employees left shortly after 18 she did. And we -- normally we had like 19 20 or so employees, and we were down to 20 like 13 associates.
16 Q. For anything else? What else 17 do you see him for?	21 And before Mary Ralph left, she had 22 hired a new assistant manager and another 23 part of the management team. I think she
18 A. Well, I mean, he's the one 19 that did the blood work for, you know -- 20 about my thyroid, but that was at my 21 suggestion because I knew something was 22 wrong. And, you know, he sort of -- he 23 has, you know, suggested physical therapy	
Page 94	Page 96
1 when I've had back trouble.	1 was maybe the manager -- in charge of 2 training, but sort of did all kinds of the 3 management work.
2 Q. Have you ever worked as a 3 secretary?	4 But, anyway, I worked a lot of hours 5 during the month of August -- or part of 6 June and August because the assistant 7 manager, Diane -- they were asking me to 8 work a lot because they didn't have enough 9 help. She was calling me up at 11:00 at 10 night at home begging me to work because 11 she didn't have anybody to work.
4 A. No.	12 So I was working more hours than I 13 really should have, because I was still 14 working 20 hours at OSI and -- but I was 15 doing this because I really wanted to 16 leave OSI and only work at Coldwater 17 Creek. So -- and also I was doing it 18 because I was helping them out.
5 (WHEREUPON, a document was 6 marked as Defendant's Exhibit Number 8 and 7 is attached to the original transcript.)	19 And then, as I mentioned earlier, 20 when I changed my schedule to cut back to 21 just three days at OSI and work three days 22 at Coldwater Creek, there were several 23 weeks which -- over a two-month period
8 Q. I'm going to show you what I'm 9 marking as Defendant's Exhibit Number 8. 10 And if you would, identify this for me, 11 please.	
12 A. It's the warning I received in 13 December.	
14 Q. And do you know how many times 15 you had been late that prompted you 16 receiving what I've marked as Defendant's 17 Exhibit Number 8?	
18 A. No.	
19 Q. Were you late to work?	
20 A. Yes.	
21 Q. Now, you've already testified, 22 Ms. Beard, that you had asked not to begin 23 work before 1:00, and you said, except	

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<p>1 where I worked -- they scheduled me for 2 four days. So I was working seven days a 3 week, which is too much for me to work. 4 That's too many hours for me to work. And 5 I kept telling them I needed to have the 6 day off, and it was supposed to be that 7 Wednesday, but they said they needed me to 8 be available on Wednesday. 9 So I would -- we had availability 10 sheets we would fill out. So I would -- I 11 put myself as being available on 12 Wednesday, so they could schedule me on 13 Wednesday, and I could be off on Thursday 14 or I could be off on Friday. I just 15 needed a day off. But they -- 16 Q. Hold on. 17 A. -- kept scheduling -- 18 Q. Hold on one second. I have 19 asked you if you have any judgment about 20 how many times you were late between 21 June -- 22 A. No. 23 Q. Let me finish. Between June</p>	<p>1 be there earlier that day, and she had 2 come in late because she was not feeling 3 well, she said. Not to imply that she was 4 -- had a habit of coming in late or 5 anything. But she told me that -- she had 6 fibromyalgia also. So she told me that 7 she had had a real bad morning because of 8 her fibromyalgia. 9 And I went to her to ask -- to tell 10 her that I knew that I had been running 11 late a lot, and particularly, you know, 12 significantly late. Like, you know, not 13 five or ten minutes, but more. And that, 14 you know, because of this health issue -- 15 which she knew about. I said, did I need 16 to provide a letter from my doctor 17 regarding this problem. And she said, 18 no. Don't worry about it. You know, I 19 understand. You know, because we were 20 talking about she had fibromyalgia and she 21 was sick that morning. 22 And so, you know, I was really upset 23 that exactly six days later -- and she</p>
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<p>1 and July of '05. 2 A. No. But I know that I was 3 late because of those problems. And what 4 I was going to get to was that I had a -- 5 I guess you'd call it a -- I call it a 6 fibromyalgia flare-up, where I was having 7 a health issue that was causing me -- 8 there were several -- a number of times 9 that I ran late. You know, like 30, 45 10 minutes, an hour. I always called them 11 ahead of time and told them. And they 12 said it was -- you know, I told them, you 13 know, I'm going to try to get there and it 14 be 30 minutes or -- you know, try to give 15 them an estimate of when I thought I would 16 be there, and they said it was okay. 17 And I went to Kim on -- I think it 18 was December the 6th. It was 19 approximately five or six days before I 20 got this warning. On a Friday. I had 21 come in late that day. And she wasn't 22 there when I got there, but she came in. 23 And, actually, she had been -- supposed to</p>	<p>1 said -- her exact words to me were, no. 2 Don't worry about it. And then six days 3 later, I get this. 4 Q. Well, you had been late, 5 correct? 6 A. Yes. 7 Q. And that was a violation of 8 company policy, correct? 9 A. Yes. 10 Q. Now, let me ask you 11 something. Did the company have an open 12 door policy? 13 A. You mean regarding problems? 14 Q. Yes, ma'am. 15 A. That was my understanding. 16 Q. All right. Did you ever call 17 the hot line or take advantage of the open 18 door? 19 A. I did eventually. 20 Q. Well, with respect to what 21 I've marked as Defendant's Exhibit Number 22 8. 23 A. No.</p>

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1 Q. And you're not arguing that
2 you were late, correct?
3 A. No.
4 Q. Do you have --
5 A. I did call regarding that, but
6 not -- it was later, when other things
7 happened. I referred back to that.
8 Q. You called the open door --
9 A. I called the regional manager,
10 Valerie Lee.
11 Q. Do you remember when you
12 called Ms. Lee?
13 A. The first time I called her
14 was in March. Early March. I think it
15 was right after I received the second
16 warning.
17 Q. What did you and Ms. Lee talk
18 about?
19 A. Well, the main thing that I
20 called -- I called her because I was upset
21 that I had gotten this other warning,
22 because I was having a health problem at
23 the time. And also I called her regarding

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1 the fact that they had requested a -- what
2 they called a disability letter from me.
3 And the way this came up -- do you
4 want to know how it came about that I
5 needed to provide that?
6 Q. Sure.
7 A. In February -- well, over
8 the -- you know, practically ever since
9 Kim had been working there as the new
10 manager, whenever somebody was absent or
11 unable to come in -- you know, called and
12 couldn't come in to work their shift and I
13 was there, you know, they would ask me a
14 lot of times -- the majority of the time
15 they would ask me if I wanted to work in
16 their place. Or if the store was busy,
17 they'd ask me to -- you know, can you stay
18 and work an extra hour -- work a little
19 later today? Because we need you.
20 Q. When did that start?
21 A. It happened off and on ever
22 since -- from the time that Kim came
23 there.

1 Q. When did Kim --
2 A. Especially, you know -- it
3 happened -- it was happening during that
4 time when I was working, you know, all
5 those days in a row back in the fall.
6 Because she came in like September of '05.
7 Q. She came in September of '05,
8 and then --
9 A. That's when we were short of
10 employees. Plus, you know, people would
11 call because they couldn't come in for
12 whatever reason. And I worked to fill in
13 for people not -- who weren't there quite
14 often. So in February --
15 Q. This is February of '06?
16 A. Right.
17 Q. All right.
18 A. I was -- asked her one day if
19 I -- instead of me getting extra hours
20 because -- you know, by filling in when
21 people weren't there -- you know, a lot of
22 people -- they would schedule people to
23 work who didn't really care about having

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1 those hours, you know. And I wanted
2 them. And I was trying to ask her why she
3 couldn't schedule me for more hours and
4 let some of these people that didn't
5 really care about having that many hours
6 -- instead of me only being able to pick
7 up hours by -- on the spur of the moment.
8 And she said to me, on the sales
9 floor in front of other sales associates
10 and customers, that if I didn't drink so
11 much, I might be able to get up and come
12 to work at 8:00 in the morning and get
13 some extra hours. And I was very
14 offended.
15 Q. Do you drink?
16 A. On occasion, but I had never
17 had a drink around her. I don't drink
18 very much because of all the medication I
19 take. I can't really drink too much.
20 Q. Well, let me ask you this:
21 When was the first time you felt you had
22 been discriminated against on the basis of
23 your alleged disability?

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<p>1 A. Well --</p> <p>2 Q. The first time.</p> <p>3 A. The first thing that</p> <p>4 happened -- well, first of all, I didn't</p> <p>5 understand that -- because they asked me</p> <p>6 about -- what happened was, after she said</p> <p>7 that to me --</p> <p>8 Q. About the drinking?</p> <p>9 A. Right. I called --</p> <p>10 Q. That was in February of '06?</p> <p>11 A. Right. I called her -- the</p> <p>12 next day I was off, and I called her</p> <p>13 and -- to discuss it. To let her know</p> <p>14 that I didn't appreciate it. Because she</p> <p>15 left. Right after she said that, she left</p> <p>16 the store. And I called her to let her</p> <p>17 know that I didn't appreciate it, and I</p> <p>18 didn't think it was appropriate for her to</p> <p>19 say that to me. And we talked about it</p> <p>20 and everything. And I thought it was</p> <p>21 settled. You know, she apologized. And I</p> <p>22 thought that would be the end of that.</p> <p>23 Well, I can't remember how soon</p>	<p>1 to me -- it's my understanding that you're</p> <p>2 not supposed to -- you don't need a</p> <p>3 disability letter from an employee unless</p> <p>4 they have requested an accommodation or</p> <p>5 they're not doing some job function they</p> <p>6 can't do, you know.</p> <p>7 Q. Well, didn't you request an</p> <p>8 accommodation?</p> <p>9 A. Not yet.</p> <p>10 Q. Didn't you request an</p> <p>11 accommodation by not being asked to work</p> <p>12 before 1:00?</p> <p>13 A. No. Because I don't see that</p> <p>14 that's requesting an accommodation any</p> <p>15 different than an employee who says they</p> <p>16 can't work except between 6 and 9 or an</p> <p>17 employee who says they can only work on</p> <p>18 the weekend. There were employees that</p> <p>19 said they could only work from 10 to 2 or</p> <p>20 an employee that said they could only work</p> <p>21 in the afternoon or they could only work</p> <p>22 on the weekend. I mean, that's the nature</p> <p>23 of a part-time business, is that you can</p>
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<p>1 after that, she told me that she had</p> <p>2 told -- and I said something about --</p> <p>3 because I had a disability, you know, was</p> <p>4 one of the reasons I didn't work in the</p> <p>5 morning. I mentioned that in our -- when</p> <p>6 we were talking on the phone. But she</p> <p>7 already knew I had a disability. She knew</p> <p>8 I had the back trouble. She knew I had</p> <p>9 the fibromyalgia. We had discussed all</p> <p>10 about fibromyalgia.</p> <p>11 And she questioned me about, you</p> <p>12 know, how I qualified -- or how I got</p> <p>13 disability, because she might want to get</p> <p>14 on disability. At some point in time, she</p> <p>15 might not be able to work, is what she</p> <p>16 said. So she asked me all these questions</p> <p>17 regarding it.</p> <p>18 And, anyway, she told me that she</p> <p>19 had talked to Ron Shermack, which is --</p> <p>20 was our regional manager at the time, and</p> <p>21 that he had told her that she needed to</p> <p>22 get a disability letter from me, which,</p> <p>23 you know, I don't understand that because,</p>	<p>1 say that you only want to work certain</p> <p>2 hours. If she's accommodating me, then</p> <p>3 she was accommodating every single person</p> <p>4 that worked there.</p> <p>5 Q. Okay.</p> <p>6 A. So, you know, then she needed</p> <p>7 a letter from everybody if she was going</p> <p>8 to get a letter from me. But I didn't</p> <p>9 have a problem providing a letter. And I</p> <p>10 told her -- I said, well, the next time I</p> <p>11 go to the doctor, I'll get one, because I</p> <p>12 was going to -- I was supposed to see him</p> <p>13 in a few weeks.</p> <p>14 And then I was, you know -- and I</p> <p>15 had told her in February -- I was sick --</p> <p>16 actually, I was visibly sick that day that</p> <p>17 this occurred, when she said that to me.</p> <p>18 My face was swollen, and I had started</p> <p>19 having really bad headaches and pain in my</p> <p>20 neck and everything.</p> <p>21 And I had scheduled an appointment</p> <p>22 for -- to go to the chiropractor on March</p> <p>23 the 1st. And the reason it was March the</p>

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<p>1 1st was because -- as I said, I just went 2 on -- qualified for the insurance, and 3 I -- you know, I had to -- sort of a 4 learning thing to get -- understand all 5 about that Medicaid and everything. 6 Q. Medicare. 7 A. Right. And I had to get -- I 8 changed insurance, you know, companies -- 9 plans that I was on. So I was starting on 10 a new plan on March the 1st. So that's 11 one reason I was scheduling it for March 12 the 1st. Because on the insurance that I 13 was on, I had this higher co-payment to 14 pay; where on the new insurance, I had a 15 much lower co-pay. 16 So, anyway -- and I was having to go 17 to a new chiropractor who was covered 18 under this insurance. My chiropractor 19 that I had seen for 25 or 30 years was not 20 covered under this insurance. 21 Anyway, I had told her that I had -- 22 that, you know, I had this health problem 23 and, you know, that I was going to go to</p>	<p>1 to get hours all the time because I -- it 2 was a struggle. And they told, you know 3 -- and what they eventually told you, 4 after -- you know, at some point in time, 5 after we were hired, that you could never 6 count on having 20 hours a week over -- 7 that's a seven-day work week. That that 8 would be far and few between. You're not 9 going to get that many hours on a regular 10 basis. But then, all a sudden, here I was 11 in all this pain and I'm trying to work. 12 And I was scheduled, you know -- I 13 don't remember which one it was. But 14 there was one time I was scheduled for 15 four days straight, like 21 hours, and 16 then the next week it was like five days 17 straight, 23 hours or something, which was 18 a rare thing. Suddenly, while I'm in 19 agony, trying to go to the doctor and have 20 tests and find out what's wrong with me, I 21 get all these hours. And then -- 22 Q. So do you feel that was 23 discriminatory in some way?</p>
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<p>1 the doctor, you know, and that I was 2 having all this pain and stuff. 3 And, anyway, on March the 1st -- 4 I've lost my train of thought. But on 5 March the 1st, I went to the chiropractor, 6 and he would not touch me. He did an 7 x-ray, and he said he would not touch me 8 without me having an MRI. 9 And so I came back to work the next 10 day. You know, I had told her I was doing 11 that. I said, you know, I'm going to have 12 to schedule an appointment with a 13 neurologist and get an MRI and 14 everything. And I'm really having a lot 15 of pain, but I need to try to keep 16 working, you know, and I hope you'll work 17 with me. I want you to try to -- I'd 18 appreciate it if you would try to work 19 with me, because I want to work as much as 20 I can. And she said, no problem. Just 21 let me know what's going on. 22 And then I was suddenly scheduled -- 23 you know, here I was, like I said, trying</p>	<p>1 A. Well, I don't -- no. I can't 2 say that that was discriminatory. 3 But what happened was she -- I got a 4 warning -- I was late during that time, 5 and I missed one day of one of those -- of 6 the five-day schedule because I wasn't 7 able to get there. And I got a warning. 8 I thought I was answering the 9 question about what I called Valerie Lee 10 about. 11 Q. Well, you were, but you like 12 to talk about a whole lot of other 13 things. So while you think about that -- 14 A. Well, what happened was -- 15 Q. What happened at what point? 16 A. She gave me -- they gave me a 17 warning. 18 Q. All right. But what -- 19 A. And on the day she gave me the 20 warning, she said, I need that letter -- 21 disability letter. I have to have it in a 22 week. Well, I had been to the -- 23 Dr. Jakes on Friday requesting -- to</p>

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<p>1 request the letter, and he told me it 2 would take about two weeks. And that's 3 what I told her at that time while she -- 4 when she was demanding the letter. I 5 said, I can't have it in a week. He told 6 me it's going to take about two weeks. 7 And, actually, what it was, it -- it 8 normally didn't take quite that long, but 9 his -- his trans -- you know, has a -- 10 transcribes it, and she had had a death in 11 the family and, you know, there was a 12 delay. But Kim was -- she was like, I 13 have to have it. She wouldn't take no for 14 an answer. She wouldn't take the answer 15 that my doctor had said. I couldn't get 16 it that quick. 17 So on -- that was on Saturday that 18 this all occurred. So on Monday -- 19 Q. What date was that? What 20 date? 21 A. I think it was March 11th. On 22 Monday I was off, and I called her and 23 asked her for Valerie Lee's phone number</p>	<p>1 December and that I had come to Kim in -- 2 what I would call it -- I did ask for an 3 accommodation verbally when I asked her to 4 work with me while I was trying to go to 5 the doctor and have tests and find out 6 what was wrong with me. And suddenly I 7 get more hours. And then, because I can't 8 meet the hours, I get another warning. 9 And I felt like she -- it was 10 obvious to me that she -- she thought that 11 I was going -- the reason she ran to Ron 12 immediately after she said that to me, you 13 know, about drinking, was because she 14 thought she was going to -- I was going to 15 say something about it, and she was going 16 to get in trouble. 17 And, you know, I just told Valerie 18 Lee -- I didn't even tell Valerie Lee that 19 day what -- anything about what she had 20 said to me, about the drinking. I hadn't 21 -- I didn't mention that at that point in 22 time. I just mentioned that I didn't feel 23 good. The warnings were warranted at that</p>
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<p>1 because -- I said -- and I was calling her 2 to let her know -- because Kim made me 3 sound like that they, at corporate -- 4 Valerie Lee was the one that was demanding 5 this letter. So I wanted to call and 6 explain to her what my doctor had said; 7 that I was getting it as soon as possible, 8 but I couldn't get it before he gave it to 9 me. 10 Q. Sure. 11 A. And she didn't like it because 12 I wanted Valerie Lee's phone number. And 13 when I called Valerie Lee, I explained the 14 situation to her. And she was real nice 15 and said she understood perfectly, you 16 know. She didn't know why Kim said that. 17 And I also brought up to her how I 18 felt about the warning that I had gotten 19 in December and now the one in March. 20 Because both times when I got these 21 warnings was when I was having, you know, 22 some health issues, and, you know, that I 23 had offered to provide a letter in</p>	<p>1 time, while I was sick. 2 (WHEREUPON, a document was 3 marked as Defendant's Exhibit Number 9 and 4 is attached to the original transcript.) 5 Q. Well, let me show you what 6 I've marked as Defendant's Exhibit Number 7 9. 8 A. Yeah. This is the one from 9 March 11th. 10 Q. Where you can concede that you 11 have had difficulty being at work and 12 getting there on time. That's your 13 handwriting on the bottom, is it not? 14 A. Right. 15 Q. So you concede that you were 16 having trouble getting to work on time, 17 correct? 18 A. Uh-huh. 19 Q. Is that yes? 20 A. Yes. 21 Q. Was the accommodation that you 22 requested that you be let off from work, 23 that you be -- that you have days off?</p>

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<p>1 A. No. I had just, you know -- I 2 mean, I don't know if you would call it 3 accommodation. I had just asked -- told 4 her that I was trying to find out what was 5 wrong with me; that I was trying to work. 6 I was in a lot of pain. I didn't, you 7 know -- I was just trying to find out what 8 was wrong with me. 9 Q. But what I'm trying to 10 understand -- 11 A. And what I don't understand 12 is, if she's trying to work with me, why 13 did she schedule -- suddenly schedule me 14 four hours in -- 20-something hours in 15 four days and 20-something hours in five 16 days. When I was well and wanted to work 17 all those hours, I could never have them. 18 Q. Well -- 19 A. I think it was deliberate. 20 Q. Well, what -- 21 A. It looked deliberate. 22 Q. Well, let me ask you this 23 question: What evidence do you have that</p>	<p>1 Q. Did you simply want her to 2 understand that you might be late? 3 A. You know, I just -- I wanted 4 her -- I guess I -- yeah, I might be 5 late. That I might be late. And 6 certainly, you know, I wouldn't expect 7 that she would give me more hours when 8 you're not feeling well than you normally 9 ever get. 10 Q. Well, let me ask you this, 11 Ms. Beard: Do you know what the labor 12 budget was for that store? 13 A. No. 14 Q. Do you know anything about the 15 management of the store? 16 A. Like what part of the 17 management? 18 Q. What the goal -- what the 19 sales goals were. 20 A. Well, I mean, sometimes they 21 would tell us. 22 Q. Right. 23 A. But I can't give that to you</p>
Page 118	Page 120
<p>1 it was deliberate? Evidence. Not 2 opinion. Not conjecture. Not belief. 3 What evidence do you have that it was 4 deliberate? 5 A. I guess I don't have any 6 evidence except that it's an odd 7 coincidence. 8 Q. What evidence? You either 9 have evidence or you don't. It's a very 10 simple question. No need for a 11 narrative. Do you have any evidence? 12 A. That she did it on purpose? 13 Q. Yes, ma'am. 14 A. Well, no. 15 Q. Did you want to be scheduled 16 for work? 17 A. Did I want to be scheduled for 18 work? 19 Q. Yes, ma'am. 20 A. Yes. 21 Q. You did. You needed the 22 money, did you not? 23 A. Uh-huh.</p>	<p>1 at this point. 2 Q. Right. Do you know anything 3 about what requirements Ms. Curry or the 4 other management staff may have had in 5 terms of the number of hours they could 6 staff the store with part-time 7 associates? If you know. 8 A. You know, I know that they had 9 to -- it was based on projected sales for 10 the day and, you know, what we might have 11 done at that time the previous year and 12 stuff. 13 Q. Sure. But that -- 14 A. And that's how they scheduled 15 it. But, I mean, they could have -- it 16 didn't -- they could have scheduled 17 somebody else on one of those four or five 18 days instead of me. Just like she had in 19 the past when I wanted to work and didn't 20 get to. 21 MR. NELMS: Just listen to -- 22 THE WITNESS: I don't know 23 what to say.</p>

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1	MR. NELMS: Well, then just	1	A. Yes.
2	listen to what her question is and do the	2	Q. Haven't you had trouble
3	best you can to answer that question.	3	getting to work on time for much of your
4	THE WITNESS: Okay.	4	adult life?
5	A. I'm sorry.	5	A. No.
6	Q. Don't be sorry.	6	Q. Do you remember telling some
7	At other times you're saying that	7	of your colleagues at the store that
8	Ms. Curry did accommodate you when you	8	coming -- you were late for everything?
9	needed a day off?	9	A. Well, yeah. I'm a person that
10	A. Well, we filled out	10	might tend to run late. Yeah. You know,
11	availability sheets. So if you said that	11	anywhere.
12	you weren't available that day, then	12	Q. Does that have anything to do
13	usually they wouldn't schedule you to work	13	with your alleged disability?
14	on that day.	14	A. The fact that I run late?
15	Q. So you're saying but for this	15	Q. Yes, ma'am.
16	period of time -- we're talking about the	16	A. Not if I run like five minutes
17	March '06 period of time. Prior to that,	17	or something like that. No.
18	I understand your testimony to be that	18	Q. But you're a person --
19	Ms. Curry was, in fact, working with you,	19	A. If I run significantly late,
20	and that if you had a doctor's appointment	20	then that's usually because, you know,
21	that you --	21	something else is going on physically.
22	A. I had asked her to. Yes.	22	Q. Are you only significantly
23	Q. Did you have that time off to	23	late to work?
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1	go to see your doctor or whatever?	1	A. No.
2	A. I did -- I did go to the	2	Q. You're significantly late
3	doctor.	3	elsewhere, correct?
4	Q. Sure.	4	A. If I'm sick or having a
5	A. I don't quite -- I don't know	5	problem -- a physical problem.
6	if I know what you're trying to ask me.	6	(WHEREUPON, a document was
7	Q. What word don't you	7	marked as Defendant's Exhibit Number 10
8	understand?	8	and is attached to the original
9	A. I mean, I don't know what --	9	transcript.)
10	well -- okay. That's -- I don't know what	10	Q. Let me show you what I've
11	else to say.	11	marked -- what's marked as Defendant's
12	Q. Were there times between	12	Exhibit Number 10, and let me know if that
13	December of '05 and March of '06 that you	13	was the piece of paper that she asked you
14	asked for days off that you did, in fact,	14	to complete. She being Ms. Curry. I'm
15	receive those days off?	15	sorry.
16	A. Yes.	16	A. Yes.
17	Q. Were there days between	17	Q. Let me just ask you one
18	December of '05 and March of '06 that you	18	question. You gave your lawyer this
19	came to work late?	19	morning a very detailed document, page --
20	A. I guess. Yes.	20	11 pages, single spaced, starting with the
21	Q. You guess? Were you --	21	date of 12/2/05 and going through
22	A. Yes. Yes.	22	8/29/06. When did you write this
23	Q. You were late, were you not?	23	document?

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<p>1 A. This past fall. 2 Q. The fall of '07? 3 A. Uh-huh. 4 Q. And did you write these 11 5 pages from memory? 6 A. No. 7 Q. All right. What documents did 8 you use to write these 11 pages? 9 A. My schedules. Where I wrote 10 down my schedule. 11 Q. These are your actual 12 schedules? 13 A. My -- the hours that I was 14 scheduled to work. And I had a calendar, 15 you know, that I used. 16 Q. Well, we're going to have to 17 reconvene this deposition because I'm 18 entitled to see those calendars and all of 19 those schedules and all those other 20 documents that you have at home. So we're 21 going to do this again. 22 A. Well, that's just my -- that's 23 just my -- where I scribbled down my</p>	<p>1 when I was supposed to work that week. 2 Q. Absolutely. I want them. 3 A. And then I would write on 4 there sometimes that -- you know, what 5 time I went to work that day or what time 6 I got off or I was absent that day or I 7 was sick or something. 8 Q. Right. I want all of those. 9 MS. SINGER: Do you have 10 something to say, Counsel? I'm sorry. I 11 may have interrupted you. 12 We can go off the record. 13 (Off-the-record discussion.) 14 Q. But you will go home and see 15 whether or not you have the original 16 documents, correct? 17 A. Right. 18 Q. Including calendars? 19 A. I know I don't have the 20 calendar. The calendar that was -- you 21 know, it was like a calendar that has 22 pictures of -- I think it was one like you 23 get that has pets in it, you know. A</p>
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<p>1 schedule. 2 Q. That's fine. I understand. 3 But I'm entitled to see that. 4 A. Well, I don't know if I still 5 have all that, because that's where I 6 wrote all that out. 7 Q. Well, you told me you have 8 these schedules at home earlier in your 9 deposition. 10 A. I may have them. I'll have to 11 go back and check. But if I have -- the 12 printed schedules -- what I -- let me -- 13 what I did with my printed schedule is -- 14 the printed schedule -- I folded them up 15 like this, and I -- the back side was 16 white. And I wrote up there -- I wrote 17 Monday through -- or Sunday through 18 Saturday, which is how we were scheduled. 19 And I'd write up there that, you know -- 20 say on Sunday I'm scheduled 1 to 5, and 21 I'd write Monday off. And I'd just put it 22 on the front of that schedule so that I, 23 you know, could have a quick reference to</p>	<p>1 picture calendar like that. It's just one 2 of those cheap, advertisement-type 3 calendars. 4 Q. And you have a list of -- 5 A. You know -- and it has all my 6 -- it had all my other personal 7 information on it that, you know -- that 8 has absolutely nothing to do with 9 Coldwater Creek and stuff. 10 Q. I am entitled to any documents 11 that reference your employment with 12 Coldwater Creek that were not prepared for 13 your attorney. And if there's other 14 personal information on those calendars, 15 feel free to have your lawyer redact it. 16 MR. NELMS: Get them all 17 together for us. 18 (WHEREUPON, a document was 19 marked as Defendant's Exhibit Number 11 20 and is attached to the original 21 transcript.) 22 Q. I'm going to show you what is 23 marked as Defendant's Exhibit Number 11.</p>

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<p>1 And I assume this is the first letter 2 that -- this is the letter that you 3 provided to Coldwater Creek, correct? 4 A. Right. 5 Q. All right. And it says here 6 that it's beneficial for you to work, 7 correct? 8 A. Yes. 9 Q. And what is the accommodation 10 that Mr. -- that Dr. Jakes is requesting 11 on your behalf? 12 A. What -- he's requesting 13 that -- because I was -- this is -- I had 14 been prescribed to have -- to go to 15 physical therapy, you know. I had been 16 diagnosed with herniated or bulging discs 17 in my neck and lower back. I had been 18 prescribed to go to physical therapy. 19 So the first part of the letter was 20 just -- like they asked for a disability 21 letter. It was just -- the first 22 paragraph was supposed to be like just the 23 basic disability letter that they were</p>	<p>1 and no. 2 On occasion I can -- I can work -- 3 like I said, there were some weeks in 4 August and -- all those months between 5 August and December when I was working at 6 OSI and I was working all those hours at 7 Coldwater Creek that I worked, you know, 8 30 plus hours a week. And the fact that I 9 have this disability is that -- I can't 10 sustain, over a long period of time, 11 regularly working eight hours a week for 12 40 hours, because what happens is I get 13 run down and it affects my immune system 14 and I get infections or I have 15 fibromyalgia flare-ups and stuff. It 16 doesn't mean that -- one week I might be 17 able to work 40 hours just fine. It's 18 just that I can't sustain it over and over 19 on a regular basis like you would for a 20 full-time job. 21 Q. What kind of accommodation 22 were you requesting? 23 A. Right here I was requesting</p>
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<p>1 asking for. 2 Q. Where it says that you're not 3 to start work before 1:00, correct? 4 A. Right. 5 Q. And that was an accommodation 6 because of your illness, correct? 7 A. I guess you can call it an 8 accommodation. I don't consider it to be 9 an accommodation because I should be able 10 to be hired to go to work at 1:00 the same 11 way that somebody else is hired to go to 12 work at 1:00. 13 Q. All right. It also says that 14 you should be able to maintain a work 15 schedule in the range of 28 hours per 16 week. Do you see where it says that? 17 A. Right. 18 Q. Do you disagree with that? 19 A. Well, no. We made it more 20 hours than I actually expected to get 21 because it was so hard to get hours. That 22 was at my suggestion because, you know, I 23 knew I'd never probably get 24. But --</p>	<p>1 that -- it says in here that, you know -- 2 he's referring to -- in the last few weeks 3 that I, you know, was -- had this health 4 problem, which I was trying to get 5 diagnosed and treatment for. And it says 6 at times -- that I have significant pain 7 at times and that I didn't expect it -- 8 you know, hopefully it wouldn't interfere 9 with my work, but it could. You know, 10 there was no way to know for sure. That's 11 what he's referring to. Just what it 12 says. And he was -- also it was -- I 13 requested that, you know, I needed to go 14 to physical therapy like three days a 15 week. 16 Q. Where does it say anything 17 about physical therapy in this letter? 18 A. Maybe I hadn't been diag -- I 19 don't know that -- if I had gotten -- I 20 went to -- okay. When I went to see 21 Dr. Jakes to get the letter, it was the 22 Friday before I got that warning on the 23 11th. And I hadn't even had the MRI yet.</p>

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<p>1 So I think I went back to see him. And 2 somehow he combined the letters, because 3 this was supposed to be the disability 4 letter. 5 I had asked her for the -- for them 6 just to accommodate me to let me go to 7 physical therapy by the fact that I needed 8 to go three days a week, preferably, not 9 two days in a row. Like on a Monday, 10 Wednesday, or Friday or something. And 11 not to schedule me three days in a row. 12 Q. Where does it say that in this 13 letter? That's all my question is. 14 A. Well, obviously I hadn't 15 been -- I don't think I had been -- I had 16 been -- I hadn't gotten the -- I hadn't 17 been sent to physical therapy yet. So I 18 may have just verbally requested the 19 physical therapy, and she probably said no 20 problem. And all I had to do was put on 21 my availability sheet that I wasn't 22 available. And this was just to let them 23 know, though, that I was going through a</p>	<p>1 Probably what I was doing was filling out 2 these forms that we put on clothes that -- 3 when people return them that have to be 4 shipped out because we don't carry them in 5 the store anymore. I think that's what I 6 was doing. But I was doing some kind of 7 work like that at the cash rap, which is 8 part of the responsibility that you do 9 when you work that section. 10 And other people were just kind of 11 standing around talking and maybe 12 straightening a little bit, you know. We 13 weren't busy. There were a lot of other 14 associates kind of standing around. 15 And Jennease came out from the back 16 and said, specifically to me, that she 17 wanted me to fold all the shirts that were 18 on this table, you know, to get them 19 straight, which is something I did on a 20 regular basis, you know. And we do it a 21 lot when you're at the cash rap, when 22 you're not busy. 23 And I got them, and I -- but I said</p>
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<p>1 difficult time, you know. Had pain. 2 And it, you know -- in other words, 3 like what happened one day -- in fact, I 4 think it was the day that I got the 5 warning. I went -- came in to work, and I 6 was hurting a lot in my neck and my 7 shoulders. 8 Q. Were you late that day? 9 A. I don't remember. 10 Q. Would you have any record at 11 home that would reflect whether you were 12 late or not? 13 A. I don't know. 14 Q. All right. Go ahead. 15 A. But I think I might have 16 mentioned that it was bothering me. 17 Q. Mentioned it to whom? 18 A. Some people that were -- other 19 associates or whoever was around. Just, 20 you know, in conversation. 21 And I was working the cash rap, and 22 it was -- it got really slow. And so I 23 was doing something at the cash rap.</p>	<p>1 something about, you know -- that my back 2 was really bothering me, you know, but I 3 would try to do it or something, you 4 know. Or either after I started doing 5 it. It was really hurting. The movement 6 like this -- because it's repetition you 7 do a lot. 8 And also I noticed, though, that -- 9 it was strange to me. It was like -- it 10 was strange to me that all these people 11 were standing around. And she came 12 straight from the back, and Kim was in the 13 back. And she just came straight out 14 there and picked me to do that. 15 And -- but my point is that that was 16 the only time that I had ever said 17 anything about my pain preventing me to do 18 -- from doing something. And then I 19 worked until -- it seems like it was 20 like -- it was after 6. Like a lot of 21 times you got off at 6 when you came in 22 early in the day. But I did work till 23 after 6. I don't know if it was 7 or 8 or</p>

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<p>1 what. And we'd start straightening for 2 the evening, you know, at 6 or 7 if we're 3 not busy. 4 And I did a lot of folding. In 5 fact, I think I did that whole table 6 before I left that night, and it didn't 7 bother me a bit, you know. It was just 8 hurting when I -- then because, you know, 9 maybe I hadn't gotten enough pain 10 medication in me or, you know -- for 11 whatever reason, at that particular point 12 in time, it was bothering me. Had nothing 13 to do with me not wanting to fold the 14 clothes. I liked doing that. That's the 15 only time that I ever, you know, had a 16 problem doing some work that I was -- 17 might need to do because of it. 18 And I think that occurred before 19 this letter was done, which is one reason 20 that I had him to word this like this, 21 just in case I was in enough pain that 22 there was some little task like that that 23 I couldn't do on that particular day, at</p>	<p>1 marked as Defendant's Exhibit Number 12 2 and is attached to the original 3 transcript.) 4 Q. I'm going to show you what's 5 been marked as -- well, let's do this: 6 Let me show you what I'm marking as 7 Exhibit Number 12. If you would, identify 8 this document for me. Can you identify 9 that document for me, please? 10 A. It's an availability sheet. 11 Q. And you're showing here when 12 you needed off for your doctor's 13 appointment, correct? 14 A. I guess. 15 Q. Well -- 16 A. That looks like -- that 17 doesn't look like my writing where it says 18 doctor appointment. It looks like it was 19 written in by somebody else. 20 Q. Well, do you recall -- do you 21 have an independent recollection whether 22 you had a doctor's appointment on the 16th 23 of March of '06?</p>
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<p>1 that particular moment in time, which 2 didn't mean that I could never do it again 3 or, you know, that I couldn't do it later 4 that day while I was going through 5 physical therapy and getting treatment 6 and -- until I got, you know, to where the 7 pain wasn't so bad. 8 Q. So you told Dr. Jakes what you 9 wanted in this letter? 10 A. I told him kind of what I 11 needed. What I thought they were asking 12 for. 13 Q. Well, let me ask you 14 something: Do you think coming to work is 15 an important function? Do you think 16 coming to work is a requirement for 17 employees? 18 A. Coming to work? Yes. 19 Q. Would you agree with me that 20 getting to work on time is also an 21 important function for an employee? 22 A. Yes. 23 (WHEREUPON, a document was</p>	<p>1 A. Pardon me? 2 Q. Do you have an independent 3 recollection whether you had a doctor's 4 appointment on March 16th of '06? 5 A. Oh, I may have because I have 6 a note down here saying -- that may be 7 what happened. I let them know about it. 8 Because I have that I'll let them know as 9 soon as it was scheduled, and they would 10 write it in. 11 Q. So they gave you the day off 12 when you told them that you were having a 13 doctor's appointment, correct? 14 A. Right. 15 (WHEREUPON, a document was 16 marked as Defendant's Exhibit Number 13 17 and is attached to the original 18 transcript.) 19 Q. Let me show you what I'm going 20 to mark as Exhibit Number 13, please. Can 21 you please identify this document for me? 22 Can you identify this document? 23 A. Yes. It's an availability</p>

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1 sheet.	1 marking as Defendant's Exhibit Number 14.
2 Q. And it shows here where you	2 And if you would, will you please identify
3 may have doctor's appointments, correct?	3 what I've marked as Defendant's Exhibit
4 Or it says RO. What does RO mean?	4 Number 14?
5 A. Request off.	5 A. Availability sheet.
6 Q. And if we looked at your	6 Q. Once again, you asked, for
7 schedule, would it reflect, in fact,	7 health reasons, not to schedule more than
8 Ms. Beard, that you were given off on	8 two days in a row, correct?
9 April 11th of '06, April 18th of '06, and	9 A. Right.
10 then again on April 28th of '06?	10 Q. And if we looked at schedules,
11 A. Probably.	11 you were not scheduled for more than two
12 Q. And that's the	12 days in a row, were you, Ms. Beard?
13 accommodation --	13 A. After I requested that?
14 A. I'm sure I had other days off	14 Q. Yes.
15 because you don't get that many hours.	15 A. No.
16 That just is -- you're just letting them	16 Q. That's --
17 know you're available.	17 A. I don't think so.
18 Q. And I appreciate that,	18 Q. Right.
19 Ms. Beard. I really do. I'm just trying	19 A. But they didn't -- they didn't
20 to make clear -- or I'm trying to	20 like it because I requested that.
21 understand that when you asked for time	21 Q. Ms. Beard --
22 off due to a doctor's appointment, you got	22 A. They said something to me
23 the time off.	23 about it.
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1 A. Right.	1 Q. Ms. Beard, were you scheduled
2 Q. You did, didn't you?	2 for more than two days in a row after you
3 A. Yes. Everybody got the day --	3 requested this in or around May of '06?
4 whenever anybody requested off, there was	4 A. Not that I recall.
5 no problem because we had enough people	5 Q. Great. Now, tell me who said
6 that -- that's what that was for.	6 what to you about what thing.
7 MR. NELMS: Just answer her	7 A. They asked me --
8 question.	8 Q. Who is "they"?
9 Q. You had a doctor's	9 A. Kim and Valerie Lee --
10 appointment?	10 Q. Yes, ma'am.
11 A. Yes.	11 A. -- asked me why I couldn't
12 Q. It was important for your	12 work more than two days in a row.
13 physical therapy, correct?	13 Q. All right. And what, if
14 A. Yes.	14 anything, did you say?
15 Q. And you got the time off to go	15 A. I told them that -- because
16 to the doctor, correct?	16 back in March, when I was having, you
17 A. Yes.	17 know, the health problem and a lot of
18 Q. Thank you.	18 pain, I was scheduled, you know, for four
19 (WHEREUPON, a document was	19 and five days in a row, up to 20-something
20 marked as Defendant's Exhibit Number 14	20 hours, and it was very difficult to work
21 and is attached to the original	21 those hours when I was feeling bad. And
22 transcript.)	22 that, you know, I still was not a hundred
23 Q. Let me show you what I'm	23 percent. I had just found out I had

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1 breast cancer, and I was having a lot of	1 A. Jessica, the visual
2 doctor's appointments. Plus, there was a	2 merchandise manager.
3 lot of stress and hostility going on in	3 Q. All right.
4 the workplace. And I felt that it would	4 A. And so I thought I was going
5 be to my advantage not to work more than	5 to get -- nothing else was said about it.
6 two days in a row.	6 So I thought I was going to get to -- be
7 Q. And they accommodated that?	7 scheduled to work. Because she acted like
8 A. The best that I can recall.	8 she was glad I volunteered, and she went
9 Yes.	9 to tell Kim.
10 Q. Did you think at that point	10 And so then, when the schedule came
11 you were being discriminated against?	11 out that week to work those hours, I
12 A. Yes.	12 didn't get any of them. And I called
13 Q. Did you file a charge?	13 Valerie Lee, who I had had many
14 A. You mean with the EEOC?	14 conversations with by this point in time.
15 Q. Yes, ma'am.	15 And she wasn't in, so I left a message for
16 A. No.	16 her to please return my call. And I was
17 Q. And you thought you were --	17 off that Wednesday. That was my -- I had
18 A. Do you want me to say why I	18 an appointment that day with the -- my
19 thought -- what occurred that I thought	19 first appointment with my breast surgeon
20 was discriminating?	20 when I -- he gave me all the worst-case
21 Q. Well, sure.	21 scenarios and everything about breast
22 A. In early -- I think it was	22 cancer that you could ever not want to
23 around May the 18th. Approximately a	23 know.
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1 little more than two weeks prior to May	1 And the next day, when I went in to
2 the 18th -- around May the 18th, if I've	2 work -- and I never had heard back from
3 got my dates correct in my mind, we were	3 Valerie Lee. And the next day I went in
4 doing -- like restocking the store and	4 to work. Kim calls me back in the office,
5 working visual merchandising where you	5 and she said, I know that you called
6 could work at night, after the store	6 Valerie Lee and I want to know what you
7 closed, from like 9 or 10 to 12 or 1:00 in	7 called her for. And then, before I could
8 the morning or 5:00 in the morning, you	8 even answer her -- and she said it in that
9 know. Working on visual merchandising.	9 kind of tone. Before I could answer her,
10 Something that I really enjoyed. It, you	10 she said, was it about the schedule? And
11 know, relates to my interior design	11 I said, yes, it was about the schedule.
12 background too. And I had worked on the	12 It was also about, you know, the fact that
13 visual team before, in the past.	13 I've got cancer and I'm going to be having
14 And the visual merchandise manager	14 surgery and, you know, several things of
15 on the floor in the store one afternoon	15 that nature.
16 said that she needed more people to work	16 And she said, the reason you didn't
17 during that time because she didn't have	17 get to work on the visual team is because
18 enough help. And I said, oh, I'd really	18 of your disability letter. And she also
19 like to do that. And so she immediately	19 said, you know, and I was afraid you
20 left the floor and went back to the back	20 couldn't climb a ladder. And I said, you
21 to tell Kim that I wanted to work. And --	21 know, I volunteered to do this over two
22 Q. Who is the person you said	22 weeks ago. And if I had known that my
23 this to?	23 letter that you have would have caused a

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<p>1 problem -- if you had told me this, I 2 could have gotten a letter from my doctor 3 saying that it was fine for me to do 4 this. 5 Because I had finished physical 6 therapy by then. I was feeling a lot 7 better, you know, as far as my back was 8 concerned and all that. And I really 9 needed those hours because I knew that at 10 some point in time I was probably going to 11 have to take a leave of absence. In fact, 12 at that point, I didn't know how involved 13 my surgery was going to be. So I didn't 14 know how much I was going to be missing 15 from work or what. So I wanted to work as 16 much as I could prior to all that. And I 17 liked doing that work. 18 And to me, that's discrimination 19 because she perceived that I couldn't do 20 that work because of that letter. And she 21 didn't give me an opportunity to give her 22 another letter because she didn't want me 23 to be able to work.</p>	<p>1 I let them know that, my hours got cut. 2 And then there was a point in time 3 in there when Kim was scheduled to go out 4 of town for, you know, a store meeting 5 they had in Idaho. And for some -- the 6 schedule normally came out like on Tuesday 7 for the next week, you know. Well, that 8 particular week it didn't -- we didn't get 9 it till that weekend. And by the time I 10 got the schedule, she was gone out of 11 town. And I was scheduled for five hours, 12 which I had never worked five hours. It 13 was very deliberate that she gave me five 14 hours. 15 Q. And when was that? 16 A. She was out of town. 17 Q. When was that? 18 A. If you give me that -- 19 Q. I'm just asking for an 20 independent recollection. 21 A. It was -- 22 Q. What month? 23 A. It was probably -- might have</p>
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<p>1 Q. And what did that -- 2 A. And when I talked to Valerie 3 Lee, who called me the next day at home, 4 she said that I did need to turn in a 5 release letter. And I said, well, you 6 know, I would have done that had I known. 7 But what I don't understand is why am I 8 being -- not being told this until after 9 the fact. When it's too late for me to 10 get the hours, you're telling me this. 11 And to me, that's discrimination. 12 Q. Okay. 13 A. Another time is -- my hours 14 were cut. And after I got those, you 15 know, extra hours in March, when I was 16 feeling so bad -- well, after I went to 17 physical therapy -- actually, after I had 18 one treatment, I was a lot better. But 19 after I had been going to physical therapy 20 for several weeks -- you know, I'd have to 21 refer back to find out the exact day -- my 22 hours started getting cut. As I felt 23 better and was better able to work, which</p>	<p>1 been -- it was either -- it was probably 2 April, maybe. You know, somewhere between 3 March, April, and May, I would say. 4 And what I did was I called Valerie 5 Lee, which I couldn't get her. I had to 6 leave her a message on her voice mail. 7 And I told her that I had -- we had 8 already been discussing the fact that I 9 was only getting five hours -- I mean, 10 that I hadn't been getting enough hours. 11 And I called her and told her that I, you 12 know -- what had happened and I was upset 13 about only getting five hours. And she 14 called -- she called one of the managers 15 at the store. They didn't specifically 16 tell me what happened. But obviously she 17 called them, and they gave me another -- I 18 got another day to work. 19 And prior to that, when I questioned 20 them about my hours when I was going to 21 physical therapy and stuff, they were 22 giving the hours that I typically worked 23 in the afternoons to other people and</p>

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1 saying they didn't have any hours to give	1 this because it, you know --
2 me. But there I saw the hours. They had	2 Q. Let me ask you this one
3 just given them to other people.	3 question.
4 I mean, there was a conversation in	4 A. It's frustrating.
5 there one day when I -- because Santina,	5 Q. Is coming to work an important
6 who was one of the assistant managers --	6 function for being a good employee?
7 she started -- she was the one that did	7 A. Yes.
8 the schedules then, but, you know, Kim had	8 Q. And being at work on time,
9 the final say on them and stuff. And I	9 correct?
10 said something about the schedule, and she	10 A. Yes.
11 said, we don't have any hours to give you	11 Q. Thank you.
12 that you can work. But there they are on	12 (WHEREUPON, a document was
13 the schedule. The same kind of hours that	13 marked as Defendant's Exhibit Number 15
14 I had been working since I was hired.	14 and is attached to the original
15 And -- and then -- and she'd say, if you	15 transcript.)
16 want to talk about the hours, you need to	16 Q. I'm going to show you what I'm
17 talk to Kim.	17 marking as Defendant's Exhibit Number 15.
18 Then I go to Kim, and Kim would tell	18 And you asked for no more than two days
19 me she didn't make the schedules. Santina	19 straight, correct?
20 did it. I needed to talk to her. They	20 A. Correct.
21 were just jerking me back and forth.	21 Q. And is it your testimony that,
22 There were -- there were numerous	22 in fact, you were not asked to work more
23 times that are listed in that timeline	23 than two days straight?
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1 thing I gave you over there when I called	1 A. As I recall.
2 Valerie Lee about the schedule and about	2 (WHEREUPON, a document was
3 things that Kim had said to me.	3 marked as Defendant's Exhibit Number 16
4 And -- like one time she said -- you	4 and is attached to the original
5 know, one time, when I was questioning the	5 transcript.)
6 schedule -- because these other people had	6 Q. Let me show you what I'm
7 had more hours repeatedly for some weeks,	7 marking as Defendant's Exhibit Number 16.
8 and I wanted to know, you know, why mine	8 And, once again, this is your availability
9 were cut. And she was -- and I said,	9 sheet from July of '06, correct?
10 well, why, you know -- she had more than I	10 A. Right.
11 did last week. So why didn't you -- I was	11 (WHEREUPON, documents were
12 trying to say like why couldn't you make	12 marked as Defendant's Exhibit Numbers 17
13 it a more even -- you know, even it out	13 and 18 and are attached to the original
14 between everybody. And, you know, I said,	14 transcript.)
15 if you had given me that one day that you	15 Q. Let me show you what I'm
16 gave her, it would have been more even,	16 marking as Exhibits 17 and 18. Look at
17 you know. But it was my usual time to	17 these side by side. Can you identify what
18 work and stuff. And she said, well, I	18 I've marked, Ms. Beard, as Defendant's 17
19 can't take hours from them and just give	19 and 18?
20 them to you. But basically what she did	20 A. I'm sorry. What did you ask
21 was she took hours from me and gave them	21 me?
22 to them.	22 Q. I want you to identify
23 And I'm having trouble saying all	23 Exhibits 17 and 18.

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<p>1 A. Availability sheets.</p> <p>2 Q. These are for August of '06,</p> <p>3 correct?</p> <p>4 A. Right.</p> <p>5 Q. And one was revised, was it</p> <p>6 not?</p> <p>7 A. Yes.</p> <p>8 Q. And you had requested to move</p> <p>9 from 1:00 to 2:00, correct?</p> <p>10 A. Right.</p> <p>11 Q. And what was the reason that</p> <p>12 that was --</p> <p>13 A. Because I was starting my</p> <p>14 radiation treatments, and you're supposed</p> <p>15 to go -- try to go at the same time every</p> <p>16 day. And the time that they were able to</p> <p>17 try to fit me in was like around 12:00.</p> <p>18 And I was afraid that I would be late if I</p> <p>19 had to work at 1. You know, they're not</p> <p>20 always on schedule.</p> <p>21 Q. Sure.</p> <p>22 A. And because I was having to go</p> <p>23 for treatments every day, that's why I was</p>	<p>1 one doing the schedule, and told -- you</p> <p>2 know, said that -- you know, that Kim had</p> <p>3 agreed to accommodate me, and the schedule</p> <p>4 was not accommodating me. And she said,</p> <p>5 just because you want to be accommodated</p> <p>6 doesn't mean you will be accommodated.</p> <p>7 And she studied the schedule for a minute,</p> <p>8 you know, and just said that they didn't</p> <p>9 have any hours to give me. And like they</p> <p>10 were just going to cut my hours and not</p> <p>11 give me any, and that upset me. So -- and</p> <p>12 I told her, you know, that I had talked to</p> <p>13 Kim, and she had agreed to do it.</p> <p>14 So she supposedly goes back to the</p> <p>15 back to talk to Kim about it and, you</p> <p>16 know, comes back and tells me that she</p> <p>17 can't change it. There's nothing they can</p> <p>18 do. It's just too bad. And this went,</p> <p>19 you know -- and she went back and talked</p> <p>20 to Kim more than one time. And it was</p> <p>21 never changed except for where my -- to</p> <p>22 where my hours were cut.</p> <p>23 Q. You came in at 2:00, though,</p>
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<p>1 spacing it out like that, because I</p> <p>2 thought that it would be easier for me.</p> <p>3 Q. Sure. And, in fact, your</p> <p>4 schedule was moved so that you could come</p> <p>5 to work at 2:00, correct?</p> <p>6 A. Well, actually, I requested --</p> <p>7 I spoke to Kim about two weeks or so</p> <p>8 before I was supposed to start the</p> <p>9 treatments on the 7th. And she -- you</p> <p>10 know, asked her about accommodating me for</p> <p>11 the radiation treatments. And she said,</p> <p>12 no problem.</p> <p>13 Well, when the schedule came out,</p> <p>14 the prior -- week before the 7th -- but</p> <p>15 for the week of the 7th -- which we</p> <p>16 received it -- I think it came out on like</p> <p>17 Thursday of that week. I was not -- I was</p> <p>18 scheduled -- and I had gone back -- gone</p> <p>19 to her by that time and told her that I</p> <p>20 needed to not work before 2:00. The</p> <p>21 schedule came out. They had me scheduled</p> <p>22 to work at 1.</p> <p>23 So I went to Santina, who was the</p>	<p>1 in the month of August, did you not, for</p> <p>2 those days that you did work?</p> <p>3 A. I guess. But I -- in other</p> <p>4 words, they put me through a lot.</p> <p>5 And what happened was I had to call</p> <p>6 the regional manager, Jan DeCrosta,</p> <p>7 whatever her name is, on Friday because --</p> <p>8 Q. Friday when?</p> <p>9 A. The Friday before the 7th.</p> <p>10 Which on that -- on the Friday before the</p> <p>11 7th, I was -- Friday, the 4th, I was to go</p> <p>12 to the radiation where they x-ray you and</p> <p>13 scan you to get you set up to get the</p> <p>14 radiation. And I was all upset about the</p> <p>15 schedule. I was all stressed out because,</p> <p>16 you know, my hours were cut.</p> <p>17 And so I called her about it, and</p> <p>18 she told me that she didn't know that --</p> <p>19 whether they were required to accommodate</p> <p>20 me for radiation treatments, and she'd</p> <p>21 have to check into it and she would call</p> <p>22 me back on August the 9th and let me know</p> <p>23 about it.</p>

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<p>1 And I was all tensed up when I went 2 to get set up for my radiation treatment 3 and hurt my back. And it just, you 4 know -- they just caused me a lot of 5 grief, stress, and anxiety that wasn't 6 necessary. And she never called me back 7 on the 9th. I never heard from her again 8 until, I think, she terminated me. 9 Q. You, in fact, were scheduled 10 to work at 2:00 in August, were you not? 11 A. Yes. After I called Jan 12 and -- Kim called me and got mad because I 13 called Jan and said that she -- and told 14 me that she didn't know anything about the 15 schedule not being right, even though I 16 saw Santina go back there and talk to her 17 that day. She denied that any of that 18 happened. She didn't know anything about 19 it, you know. You know, it was just 20 all -- it was -- you know, I don't know 21 why they would -- why she was doing this, 22 you know. 23 And I was absent on Saturday because</p>	<p>1 work two or three hours, and we were 2 having a meeting that night. And when we 3 got through -- when we finished working, 4 were cleaning up, like we normally do -- 5 and you have to vacuum. Which I had a 6 letter from Dr. Jakes. Had asked them to 7 accommodate me by not requiring me to 8 vacuum until he released me to vacuum 9 again. 10 And she said out on the sales 11 floor -- asked me to vacuum. And I said, 12 well, you know I'm not supposed to because 13 of my letter. But she was not supposed to 14 discuss that with me out on the sales 15 floor in front of other people. And then 16 she made a big deal about it and acted 17 like I should be able to vacuum and like 18 she didn't know anything about the letter 19 and just, you know, created a hostile 20 situation. 21 Q. You keep saying hostile 22 situation. I don't know what that means. 23 What do you mean by that?</p>
Page 162	Page 164
<p>1 I hurt my back. And she called me back 2 twice that morning mad because I wasn't 3 coming to work. Tried to demand that I 4 come in, you know. Not believing that I 5 was having a problem with my back. 6 And I was so upset when I went to 7 get marked for the radiation and 8 everything, you know, that they had 9 suggested that maybe I should come back, 10 because I was just all tensed up and upset 11 about the radiation because, you know, I 12 had been in this hostile, stressful -- all 13 this stuff had been going on at work since 14 February while I was trying to get treated 15 for my back. 16 Then immediately following the 17 physical therapy, I was diagnosed with the 18 cancer. And the whole time that I'm 19 dealing with all that stuff, she's making 20 my life at work as miserable as she 21 possibly can. 22 And, you know, I went to work on 23 Sunday because I was only scheduled to</p>	<p>1 A. She just had a hostile 2 attitude toward me. Some days she came in 3 and just gave you a dirty look and didn't 4 speak. 5 Q. Did she have that attitude 6 toward anybody else? 7 A. Ever since she -- ever since 8 she said that -- 9 Q. Did she have that attitude 10 toward anybody else? 11 A. Yes. 12 Q. Other workers, correct? 13 A. One other employees that -- 14 who was a friend of mine. And it started 15 because we were friends. 16 Q. Now, you don't know -- you 17 said that you saw Santina go back and talk 18 to Kim. But you didn't hear what they had 19 to say, did you? 20 A. No. But I went back there one 21 time because I had to get some -- 22 something from the stock room, and I saw 23 them standing there talking.</p>

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1 Q. Do you know what they were	1 Q. Defendant's Exhibit 19
2 talking about?	2 reflects the fact that this physician said
3 A. They had the schedule in their	3 you could return to work when you felt
4 hand, and that's when she went back there.	4 like it, correct?
5 She came right back out and told me she	5 A. Yes.
6 talked to Kim about the schedule.	6 Q. Thank you. Do you know in the
7 Q. Did you hear their	7 month of August or the last week of August
8 conversation?	8 or the -- let me strike that -- in the
9 A. No.	9 month of August how many days you were
10 Q. Thank you. See, this is not	10 late?
11 complicated.	11 A. No.
12 A. It feels complicated to me.	12 Q. Do you know how many days you
13 Can we take a break?	13 were out?
14 Q. Sure.	14 A. I think four.
15 3:37 p.m.	15 Q. Do you remember calling out on
16 (Recess taken.)	16 Sunday, August 20th? Do you remember
17 3:53 p.m.	17 calling out on Sunday, August 20th?
18 (WHEREUPON, a document was	18 A. Well, I didn't call on August
19 marked as Defendant's Exhibit Number 19	19 the 20th. I believe I called on Saturday
20 and is attached to the original	20 night and let them -- I actually was sick
21 transcript.)	21 at work that day, and I called that night
22 Q. I'm going to show you,	22 and told them that I wouldn't be able to
23 Ms. Beard, what I'm marking as Exhibit	23 work the next day. And that Susan -- I
Page 166	Page 168
1 Number 19. If you would, identify this	1 had arranged -- which we were allowed to
2 document for me, please.	2 do -- for Susan to work in my place.
3 A. This is from my surgeon,	3 Q. Do you remember calling in on
4 saying that I was able to return to work	4 Tuesday, August 22nd?
5 after my surgery.	5 A. Actually, I called on
6 Q. Well, it says here, when she	6 Monday -- I was off on Monday, the 21st,
7 feels capable to return to work, doesn't	7 and I called and told Kim that I was still
8 it?	8 sick and that I had a doctor's appointment
9 A. Right.	9 on Tuesday and a doctor's appointment on
10 Q. So does that mean that it was	10 Wednesday. Those were the soonest I could
11 open-ended? That you could return to work	11 get the appointments. And that I was
12 when you felt like coming to -- when you	12 really sick and that I didn't expect that
13 felt ready to return to work?	13 I would be able to work on Thursday
14 A. (Witness nodded head in the	14 either, so that she could go ahead and
15 affirmative.)	15 make arrangements for somebody to work in
16 Q. Correct?	16 my place on those two days. And she said
17 A. Right.	17 that she wanted me to call her back
18 Q. So there's nothing definitive	18 regarding Thursday.
19 here, correct?	19 Q. And did you?
20 A. Right. Well, I returned after	20 A. I called back on Wednesday
21 only two days --	21 evening, after I got home from the doctor,
22 Q. This doesn't --	22 and spoke with the manager, Heather, and
23 A. -- or three days after.	23 told her, you know, that I was still very

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<p>1 sick and that I wouldn't be able to work. 2 And, you know, she said that was fine. 3 And then she called me back. I called, 4 you know, early evening, like 5, 6, or 5 something like that. And she called me 6 back at like 9:00, while I -- and woke me 7 up and told me that Kim said that I needed 8 to work the next day and that I needed to 9 call -- and if I wasn't coming to work, I 10 needed to call back in the morning. 11 So on Thursday morning, I called 12 back and said I am sick -- still sick, and 13 I can't come in. And Heather was the one 14 that was there. And she said that Kim had 15 said that I needed to get doctor's 16 excuses, you know, for the absences. And 17 I said, you know, that's not going to be a 18 problem, but I'm going to have to get them 19 to mail them to me because, you know, I'm 20 not able to go back to get the doctor's 21 excuses. But I will get them -- I'll call 22 them right away and get them to mail them 23 to me. And she said that would be fine.</p>	<p>1 Q. Do you know how many times -- 2 and I may have asked you this, and I 3 apologize. Do you know how many times you 4 were late in the month of August? 5 A. No. 6 Q. Do you know how many times you 7 were late in the month of July? 8 A. No. 9 Q. Do you know how many times you 10 were late in the month of June? 11 A. No. 12 Q. I'm talking all about '06. 13 A. No. 14 Q. Do you know how many days you 15 were late in the month of May of '06? 16 A. No. 17 Q. Do you know how many days you 18 were late in the month of April of '06? 19 A. No. 20 Q. Or March of '06? 21 A. No. 22 Q. February of '06? 23 A. No.</p>
Page 170	Page 172
<p>1 (WHEREUPON, a document was 2 marked as Defendant's Exhibit Number 20 3 and is attached to the original 4 transcript.) 5 Q. I'm going to show you what I'm 6 marking as Defendant's Exhibit Number 20. 7 If you would, identify this for me, 8 please. 9 A. That's when I was terminated. 10 Q. And who was present? 11 A. Kim and Jan DeCrosta. 12 Q. Did Ms. DeCrosta say anything 13 to you, Ms. Beard? 14 A. She said I was being 15 terminated because I didn't obey the 16 attendance policy. 17 Q. And do you know if you were in 18 compliance with the attendance policy? 19 A. I just -- I asked her -- well, 20 I asked her if this was because I was -- 21 had been out sick. And she said -- that's 22 when she said because I didn't obey the 23 attendance policy.</p>	<p>1 Q. Would you say that you were 2 late 50 percent of the time? 3 A. I don't think so. 4 Q. Give me your best judgment 5 about how many days in any given month -- 6 from March through August of '06 were you 7 late on the day that you were scheduled to 8 come to work. 9 A. I don't remember. I do know 10 that Valerie Lee told me that you were not 11 considered late unless you were more than 12 ten minutes late. 13 Q. Do you know how many times in 14 those months you were more than ten 15 minutes late? 16 A. No, I don't. 17 Q. Do you have a record of your 18 tardiness during that period of time? 19 A. No. 20 Q. Were you late more than once a 21 month, starting in March of '06? 22 A. Yes. 23 Q. Were you late more than twice</p>

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1 a month?	1 Q. But it's fair to say that the
2 A. Yes.	2 main goal for -- or an important goal for
3 Q. Were you late more than three	3 an employee is to show up at work, one,
4 times a month?	4 correct?
5 A. Probably.	5 A. Right.
6 Q. What about four times a month?	6 Q. And, number two, to show up on
7 A. I don't remember.	7 time?
8 Q. But you know that you were	8 A. Right.
9 late at least three times a month?	9 Q. Thank you. All right. Now --
10 A. Probably.	10 A. But I was not the only person
11 (WHEREUPON, a document was	11 who ran late consistently.
12 marked as Defendant's Exhibit Number 21	12 Q. Who else ran late?
13 and is attached to the original	13 A. One was somebody that was in
14 transcript.)	14 management. And, in fact, when I was
15 Q. Let me show you what I'm	15 working at OSI -- and I was scheduled to
16 marking as Defendant's Exhibit Number 21.	16 get off at 5 so that I could get to my job
17 If you would, identify this document for	17 there at 6. There were several times that
18 me, please. Ms. Beard?	18 they asked me to stay later because she
19 A. Do I recognize it?	19 wasn't there.
20 Q. Yes.	20 Q. Who was that person?
21 A. It's the form we sent in to	21 A. Jolee Barlow. And then there
22 the EEOC.	22 was another girl, Judy, who ran late a
23 Q. And it says here, in the first	23 lot. And, you know -- and I know one
Page 174	Page 176
1 paragraph, at all times I performed my	1 time, in particular, when she came in
2 duties to the reasonable expectation of my	2 about 30 minutes late and she hadn't even
3 employer.	3 called. And they approached her. It was
4 That's not a hundred percent	4 Jessica who approached her when she came
5 accurate, is it, Ms. Beard?	5 in. You know, like, Judy, you're running
6 A. Well, I was -- it was	6 a little late today. It was like it was
7 referring to duties.	7 not serious. You know, they wouldn't
8 Q. But the expectation of your	8 have -- they didn't act like that toward
9 employer was that you would come to work	9 me.
10 on time, was it not?	10 And she -- and I knew she had been
11 A. Well, yes.	11 late a lot. And she was somebody who had
12 Q. Thank you. And it's also not	12 said that she ran late all the time too.
13 true that you say here, until early 2006,	13 Like I had -- that's the fact -- when that
14 there had been no complaints regarding my	14 conversation probably occurred at work,
15 work performance as an employee.	15 when we were talking about that I was a
16 In fact, in December of '05 you had	16 person who tended to run late everywhere I
17 been warned about your excessive	17 went or something like that. And that's
18 absenteeism and tardiness, correct?	18 what she said. And I do believe she
19 A. Well, we were referring to,	19 received some warnings. They didn't have
20 you know, work -- not -- work performance	20 the same attitude toward her that they did
21 as far as my work duties, functions of job	21 toward me.
22 duties, or whatever you want to call it.	22 Q. Do you know if they warned
23 That's what we were referring to.	23 her?

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<p>1 A. I think she said that she had 2 been warned. 3 Q. Thank you. Now, you say in 4 this, in paragraph two, that you felt you 5 were being discriminated against as early 6 as March of 2006; is that correct? 7 A. Yes. 8 Q. But you never filed a charge 9 in March of 2006? 10 A. No. 11 Q. Nor did you file a charge in 12 April of 2006, correct? 13 A. No. The entire time I was 14 talking to Valerie Lee. I talked to 15 Valerie Lee on numerous occasions. And, 16 you know, when my hours started to be cut 17 in March, they were cut drastically into 18 April, as I said, when I was starting to 19 feel better and able to work and I was 20 asking for hours. And they were giving me 21 all these runaround excuses about the 22 hours. And, you know, I started being 23 scheduled to work 3 to 6, a shift I had</p>	<p>1 called Valerie Lee and asked her, you 2 know, why she had said for me to be 3 scheduled for only ten hours a week, and 4 she said she never said that, you know. 5 That's not what was said. That went back 6 and forth several times. 7 There was, you know, all this -- I 8 was trying to -- because I couldn't get 9 anything -- get -- communicate well with 10 Kim it seemed. I had to talk to Valerie 11 Lee just to try to get -- I just wanted to 12 get this straightened out to where, you 13 know, I didn't -- she wasn't, you know, I 14 felt like she was -- I felt like she -- it 15 seemed like, after she said that remark to 16 me -- which she ran and told Ron about. 17 You know, told on herself because I didn't 18 say anything about it. That she was 19 retaliating against me. And then she kept 20 referring to the letter. 21 And they brought up, you know -- 22 they made an issue about the fact that I 23 couldn't vacuum. And there had been</p>
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<p>1 never worked before and a shift that 2 was -- we never even had. It was created 3 for one associate that had come to work 4 there some months prior. 5 And Valerie Lee told me several 6 times that Kim was not handling this 7 properly or professionally. She suggested 8 that Kim and I sit down and talk in the 9 office, you know, regarding the schedule, 10 regarding the fact that I, you know, had 11 these health issues and trying to get 12 treatment and, you know, all the different 13 stuff that was going on. And every time 14 that we were supposed to get together, Kim 15 would not be there or -- and one time she 16 suggested that we would have a conference 17 call between me, Kim, and Valerie Lee, and 18 that never occurred. 19 And, you know, when my hours were 20 cut to ten hours a week and I called 21 Valerie Lee about that, well, Kim told me 22 that Valerie Lee told her to schedule me 23 for ten hours a week. And I -- so I</p>	<p>1 several -- a couple of other people that 2 worked there -- one girl that either had 3 carpal tunnel or tendinitis or something 4 in her hand and had to wear the wrist 5 brace for a month or so, and she couldn't 6 vacuum. But she provided no letter or 7 anything. And there was -- they had no 8 problem with her not being able to vacuum 9 during that time. 10 And I didn't have to vacuum very 11 often. It didn't come up for me to vacuum 12 because I didn't normally work till 13 close. That was a rare thing in the first 14 place. And, I mean -- and I did vacuum 15 when I first went to work there. 16 And also, after they had received a 17 release letter from Dr. Jakes, both 18 Valerie Lee and Kim brought up about -- 19 one of their excuses for the way they were 20 scheduling me was because they didn't know 21 what duties I could do, what -- you know, 22 if I could do everything that needed to be 23 done at work. And I said, well, I can do</p>

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<p>1 everything I've been doing for the past -- 2 almost two years, you know. And what are 3 you referring to? And then they said 4 something about the ladder. Well, I, you 5 know -- I did most of the Christmas 6 decorations. I climbed the eight-foot 7 ladder and decorated all the wreaths. And 8 there was never an issue about me climbing 9 the ladder, you know. These are things 10 they perceived that I couldn't do. 11 And they never said to me that we're 12 cutting your hours because you're late or, 13 you know, we're scheduling you only the 3 14 to 6 shift or telling you we don't have 15 any shifts because you run late. They 16 said it was because of the disability 17 letter. That was thrown up in my face 18 repeatedly because of what response -- 19 what duties I might be able to do in the 20 store, you know, as far as straightening, 21 you know -- you know, the typical retail 22 things that you do. And, you know, made 23 the issue about the vacuuming and stuff.</p>	<p>1 problem. A flare-up from a particular 2 type symptom that you have with 3 fibromyalgia, that I only had one other 4 time before. 5 Q. You had -- 6 A. And I haven't had it since. 7 Q. One second. One second. You 8 have already agreed with me that getting 9 to work on time is a critical issue for an 10 employee, correct? 11 A. Yes. 12 Q. Thank you. 13 Ms. Beard, do you want to go back 14 and work for Coldwater Creek? 15 A. Well, I liked working there, 16 but I don't -- is Kim still the manager? 17 Q. I don't have to answer any 18 questions. 19 A. Well, I liked working there, 20 but I don't know that I could go back to 21 work there under the circumstances. 22 Q. Are you physically able to go 23 back and work there?</p>
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<p>1 That's where I felt like I was being 2 discriminated against. And, you know, I 3 was very stressed out. 4 When you have fibromyalgia, you get 5 stressed out easily. And stress affects 6 you. And I just wanted things to get 7 straightened out so that I could, you 8 know, deal with these health issues. I 9 just wanted peace at work, and I wanted to 10 work as much as I could. 11 Q. But you couldn't get to work 12 on time. 13 A. But they didn't tell me that. 14 You know, they just scheduled me 25 hours 15 in four days when I was really sick and 16 then said now you've got a warning. I 17 just don't think they were fair. 18 Q. You were warned before March 19 of '06, were you not? 20 A. Before March? 21 Q. Yes, ma'am. 22 A. Yes. And I offered to provide 23 a letter from my doctor because I had a</p>	<p>1 A. Not at this very moment. 2 Q. When was the last time you 3 were able to work retail? 4 A. Well, I mean, I could have -- 5 I felt like I could have continued to 6 work, you know, through my treatment. 7 There may have been a point in time -- I 8 mean, I know -- you know, I got -- the 9 reason -- they told me the reason I got 10 sick that week was because I had been 11 under so much stress with everything that 12 had been going on. And then, when I 13 started the radiation treatments, the 14 combination of everything that had gone on 15 -- 16 Q. Ms. Beard, it's a simple 17 question. If you don't know the answer, 18 that's fine. 19 When is the last time you were able 20 to work retail? 21 A. I think I could have continued 22 to work. I might have had to take a leave 23 of absence at some point in time for a few</p>

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<p>1 weeks. And if I had continued to work, I 2 would have had my surgery for the carpal 3 tunnel. So that wouldn't be an issue at 4 this point. 5 Q. And if Dr. Jakes' records 6 reflect that he recommended that you have 7 carpal tunnel surgery many years ago, 8 would you disagree with that? 9 A. I haven't even been getting 10 the shots many years. I have had one 11 carpal tunnel test before the one I had 12 two weeks ago, and the neurologist said 13 that it wasn't that bad. And he said that 14 he didn't think I needed to have surgery 15 at that time. And he's the one that does 16 the test for it. 17 Q. When was the last time you 18 were able to do any work? 19 A. Well, after I got over being 20 sick, I could have kept working. That was 21 in the latter part of August into 22 September. 23 Q. But you already told me that</p>	<p>1 controlled your schedule, correct? 2 A. Well, freelance work is not -- 3 you know, you kind of have to know some 4 people that need some -- that type work 5 done. 6 Q. Well, excuse me. 7 A. I kind of lost touch with 8 that -- because I haven't done that in 9 quite a while. 10 Q. Well, you had done it in 2003 11 for Mr. McCain, correct? 12 A. Yeah. One friend. 13 Q. Well, you've done marketing. 14 You couldn't market your services? 15 Are you aware that under the law 16 that you're obligated to look for work? 17 A. What do you mean? 18 Q. That the law requires that you 19 mitigate your damages. Are you aware of 20 that? 21 A. No. I don't know what you're 22 talking about. 23 Q. All right. It says here, in</p>
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<p>1 you didn't look for work. 2 A. No. Because I didn't want to 3 go start a new job at, you know -- and try 4 to tell them I've been getting treatment 5 for radiation. And at the end of the 6 radiation treatment, it's very common to 7 have a problem with a lot of fatigue, and 8 typically you'll need several weeks of 9 rest. And that I would have to ask for a 10 leave of absence on a brand-new job. 11 Q. So you aren't able to work; is 12 that correct? 13 A. No. I don't think -- I did 14 not say that I wasn't able. I chose not 15 to under the circumstances. 16 Q. You chose not to? You 17 chose -- 18 A. Because I didn't want to put 19 myself in the position to have to request 20 accommodations again after what I had just 21 been through. 22 Q. But you could have done some 23 freelance work where you could have</p>	<p>1 paragraph seven, that in June of 2003 that 2 you were diagnosed with fibromyalgia, 3 correct? Seven on the complaint. 4 Paragraph seven. It's probably on page 5 two. Paragraph seven. 6 A. That's what it says. I was 7 actually diagnosed with fibromyalgia 8 1998. 9 Q. And when you applied for your 10 job at Coldwater Creek, they were unaware 11 of that, correct? 12 A. Right. 13 Q. Now, on the next page -- well, 14 I should say on paragraph ten, the 15 allegation here is that Curry is -- and 16 we're talking about Kim Curry -- is a 17 manager -- is a member of upper management 18 to the extent that she was -- that she was 19 empowered to hire, fire, and discipline 20 and to set work schedule. 21 Are you aware that Ms. Curry was not 22 empowered to fire anybody? 23 A. No.</p>

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February 1, 2008

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

LINDA BEARD,

Plaintiff,

V.

COLDWATER CREEK, INC.,

Defendant.

CIVIL ACTION NO.:

2:07-CV-790-MNT

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

**PLAINTIFF LINDA BEARD'S
FEBRUARY 1, 2008 DEPOSITION**

PART 2 OF 3

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<p>1 Q. Now, paragraph 13 -- you've 2 already told me a little bit about this -- 3 or you've told me a lot about this. That 4 sometime after March 25, 2006 that Curry 5 changed your schedule from the date of the 6 evening shift and reduced your hours from 7 20 to five per week. 8 Do you see that? 9 A. (Witness nodded head in the 10 affirmative.) 11 Q. Is that accurate? 12 A. Well, I guess they're 13 referring to the fact that I was changed 14 to that 3 to 6 shift a lot. 15 Q. Now, other people were working 16 the 3 to 6 shift as well, correct? If you 17 know. 18 A. I know there was this one main 19 person that the shift was created for, and 20 there may have been some other people, you 21 know, who preferred that shift. 22 Q. Well, let me ask you 23 something. When you were scheduled to</p>	<p>1 Q. When were you diagnosed? 2 A. At the first of May. 3 Q. Well, what I'm asking is if 4 you knew that in December of '05 you were 5 on notice that your absentee and lateness 6 record was unacceptable and then you were 7 put on notice a second time in March -- 8 was there any improvement between March, 9 before you got the diagnosis, and May? 10 A. There was a period of time of 11 improvement. 12 Q. For how long? 13 A. I don't remember, but there 14 was definitely a time of improvement. 15 Probably between the time that I got 16 better with my -- with the -- from the 17 physical therapy, before I found out about 18 the cancer. But, you know, I was also 19 suffering from a lot of stress because of 20 all the problems that were going on. 21 Q. Stress in terms of what? A 22 lot of problems going on physically? 23 A. No. With the attitude that</p>
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<p>1 work at 3:00, were you able to get there 2 on time? 3 A. Some of the time, I guess. I 4 don't know that I was every single time. 5 Q. Well, let me ask you this: If 6 you had been already warned on two prior 7 occasions about not getting to work on 8 time, what's the reason that you didn't 9 make a greater effort to get to work on 10 time? 11 A. Because I -- I was trying, 12 but, you know, I was going through a very 13 stressful, awful time. It's, you know -- 14 it was extremely traumatic, overwhelming, 15 devastating to be fighting a 16 life-threatening illness. 17 Q. Are you talking about the 18 breast cancer? 19 A. Uh-huh. 20 Q. Now, it says here that you 21 were diagnosed in March -- on March 12, 22 2006; is that correct? 23 A. No.</p>	<p>1 Kim had about the schedule and cutting my 2 hours and -- 3 Q. What's the reason -- 4 A. -- bringing up the disability 5 letter, purposely keeping me from working 6 on the visual team, you know, treating the 7 other associate that was a friend of mine 8 who -- we got a lot closer while I was 9 going through the health issues. They 10 were ugly to her because she was friends 11 with me. 12 Q. Have you ever been a manager? 13 A. No. 14 Q. Have you ever supervised 15 anybody? 16 A. Been an assistant manager. 17 Q. Right. In that role, have you 18 ever managed any employees? 19 A. Uh-huh. 20 Q. Is that a yes? 21 A. Yes. 22 Q. What kind of employees? 23 A. Sales associates at a shoe</p>

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<p>1 store.</p> <p>2 Q. At a shoe store? Did you have</p> <p>3 authority to counsel with them?</p> <p>4 A. No.</p> <p>5 Q. What is it -- you say in your</p> <p>6 complaint that the company failed to</p> <p>7 accommodate you. What is it -- in what</p> <p>8 way did they fail to accommodate you?</p> <p>9 A. They didn't want to</p> <p>10 accommodate me for the physical therapy.</p> <p>11 They made an issue about it. They told me</p> <p>12 that there were no shifts for me to work.</p> <p>13 They used that as an excuse to --</p> <p>14 Q. And what month was that?</p> <p>15 A. March and April. That's when</p> <p>16 my hours became drastically cut. They</p> <p>17 told me there were no shifts for me to</p> <p>18 work. Those were the exact words I was</p> <p>19 told on one occasion. And like on one --</p> <p>20 Q. How else did they fail to</p> <p>21 accommodate you?</p> <p>22 A. One occasion -- first of all,</p> <p>23 you know, I was never hired to work an</p>	<p>1 to. She tried not to. And even the</p> <p>2 regional manager told me that she didn't</p> <p>3 think they were, you know, supposed to</p> <p>4 accommodate me for that.</p> <p>5 Q. Did they accommodate you?</p> <p>6 A. Eventually. After causing me</p> <p>7 a lot of grief. And then, you know,</p> <p>8 the -- and I told her that I had that</p> <p>9 accommodation letter for my doctor. And</p> <p>10 she said, why are you getting a letter</p> <p>11 when I said I'd accommodate you? That was</p> <p>12 before she didn't do it -- didn't</p> <p>13 accommodate me like she said.</p> <p>14 Q. Who is "she"?</p> <p>15 A. Kim. And then I never got to</p> <p>16 turn that request in. And the request</p> <p>17 says in there, you know, that, you know,</p> <p>18 there could be problems. You don't know</p> <p>19 what kind of problems there were.</p> <p>20 You know, to me, I think there</p> <p>21 should be some understanding about the</p> <p>22 fact that -- because I already had these</p> <p>23 chronic illnesses. And then, when I</p>
Page 194	Page 196
<p>1 on-call shift, and you'll notice that I</p> <p>2 was scheduled for a lot of on-call</p> <p>3 shifts. And on one occasion, when I was</p> <p>4 called to come in to work for an on-call</p> <p>5 shift, it was when I was getting physical</p> <p>6 therapy. And I came in to work, and I</p> <p>7 told Kim that I would have to leave</p> <p>8 earlier. Like I was supposed to work till</p> <p>9 6 for that on-call shift, and I told her I</p> <p>10 needed to leave earlier because I needed</p> <p>11 to go to physical therapy that day. And</p> <p>12 she didn't like that. Acted like that was</p> <p>13 a big deal. And --</p> <p>14 Q. But you did go, did you not?</p> <p>15 A. Yes. But she was angry about</p> <p>16 it. And I've forgot what I was going to</p> <p>17 say.</p> <p>18 Just like I said, when I -- they</p> <p>19 made it an ordeal when I was supposed to</p> <p>20 be accommodated for the radiation</p> <p>21 treatment. They didn't -- even though she</p> <p>22 said she would accommodate me, she didn't</p> <p>23 want me to -- she didn't, you know, want</p>	<p>1 started the radiation -- I got sick the</p> <p>2 first week after I started the radiation,</p> <p>3 and then I missed those three days. You</p> <p>4 know, I think they should have understood,</p> <p>5 you know -- when you're going through</p> <p>6 cancer treatment and if you get sick, that</p> <p>7 should be something that -- it's an</p> <p>8 excused absence.</p> <p>9 Q. That's your opinion, correct?</p> <p>10 A. Right. It's my understanding,</p> <p>11 though, according to the ADA, that you're</p> <p>12 supposed to accommodate people who are</p> <p>13 getting treatment for cancer.</p> <p>14 Q. Anything else about the law</p> <p>15 you want to tell me? Specifically the</p> <p>16 ADA.</p> <p>17 A. I just said that was my</p> <p>18 understanding.</p> <p>19 (WHEREUPON, a document was</p> <p>20 marked as Defendant's Exhibit Number 22</p> <p>21 and is attached to the original</p> <p>22 transcript.)</p> <p>23 Q. I'm going to show you what I'm</p>

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Page 197	Page 199
1 marking as Defendant's Exhibit Number 22.	1 they didn't continue doing that. It was
2 Can you identify that for me, please?	2 just some -- in fact, they had -- she said
3 A. Yes. That's a note that I	3 they had the chart up there, and they
4 wrote to Kim.	4 didn't put anybody's productivity on it
5 Q. When?	5 for weeks or something, and then it just
6 A. Sometime during that time,	6 was never mentioned again.
7 when my hours were being cut.	7 Q. Who was the person that was
8 Q. Well, it's not --	8 your friend at Coldwater Creek?
9 A. I don't know the exact date.	9 A. Tonya.
10 Q. Do you have a month?	10 Q. What's Tonya's last name?
11 A. No. I don't remember the	11 A. I can't remember.
12 exact time, but I do know that this is	12 Q. Did she frequently work with
13 what Ron said to me. And it also mentions	13 you?
14 seniority in the handbook.	14 A. Off and on.
15 And then, you know -- after I	15 Q. Are you aware that everybody
16 expressed this opinion, then they said	16 who worked for that -- most sales
17 that -- they came out -- this was shortly	17 associates at Coldwater Creek had on-call
18 before -- this was like in August, I	18 hours?
19 think. Maybe it was June. I don't know.	19 A. Right. But when we were
20 They came out with this new program	20 hired -- when the store opened, they
21 that -- they were going to keep this chart	21 hired -- they had like two specific people
22 to chart your productivity every day. And	22 that were only on-call people. Only when
23 the people that were the most productive,	23 we -- when -- after Kim came did she start
Page 198	Page 200
1 that was how you would get hours. It came	1 putting everybody on on-call shifts. She
2 out shortly after I did -- turned this	2 never even asked anybody.
3 letter in. And it was a totally new thing	3 Q. Sure. But she put everybody
4 that Coldwater Creek had never had. And	4 on on-call shifts, correct?
5 it lasted about two weeks. And it wasn't	5 A. Right.
6 a problem for me because I was high up on	6 MS. SINGER: I think this is
7 the productivity. I was one of the top	7 probably a good time to adjourn, Andy.
8 ones on the chart. But I don't know what	8 And just, on the record, I'm saying that
9 else to say about it.	9 I'm adjourning it because I want to see
10 Q. How was productivity measured?	10 any and all documents that Ms. Beard may
11 A. It had to do with the cash rap	11 have at home or anywhere else that relate
12 and, you know, trying to add on sales	12 to this matter. And then we'll reconvene
13 and -- I can't even remember because it	13 the deposition.
14 was such a brief -- it was, you know, done	14 One other thing, Ms. Beard.
15 in such a short period of time before I	15 If I provide your lawyer with consents to
16 left, while I was in the turmoil of my	16 get your medical records, will you sign
17 treatment and all this was going on. And,	17 those consents?
18 you know, the chart was up there maybe two	18 THE WITNESS: I guess.
19 or three weeks.	19 Are we okay?
20 And then I found out from some other	20 MR. NELMS: For the record,
21 employees that they dropped that about as	21 I've agreed that because certain records
22 quick as they started it. It didn't --	22 and documents were not produced that I
23 you know, after I had been terminated,	23 have no objection to adjourning and

50 (Pages 197 to 200)

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Page 201

1 reconvening --
2 MS. SINGER: At a time that's
3 convenient for Ms. Beard.
4 MR. NELMS: Right.
5 4:30 p.m.
6 (Deposition to be reconvened for another
7 date.)
8

9 FURTHER DEPONENT SAITH NOT
10
11
12
13
14
15
16
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19
20
21
22
23

Page 202

1 CERTIFICATE
2

3 STATE OF ALABAMA)
4 MONTGOMERY COUNTY)

5 I hereby certify that the above and
6 foregoing deposition was taken down by me
7 in stenotype, and the questions and
8 answers thereto were transcribed by means
9 of computer-aided transcription, and that
10 the foregoing represents a true and
11 correct transcript of the deposition given
12 by said witness upon said hearing.

13 I further certify that I am neither of
14 counsel nor of kin to the parties to the
15 action, nor am I in anywise interested in
16 the result of said cause.
17

18 GWENDOLYN P. TIMBIE, CCR
19 Certificate No: AL-CCR-172
20

21 My Commission Expires
22 March 4, 2009
23

51 (Pages 201 to 202)

**American Court Reporting
February 1, 2008**

turnover - sisters, another - Local 2 - Sisters - 2 nieces, great
nieces, nephews - (niece - mobile - family leave) - 3rd generation Ok
OK - Tampa - mothers - wife's family - local

grad high school 1968 - took test to get hired by
State of Cal - worked as dental art trainee for
orthodontist - Married April 1968 - worked several
part-time temporary positions for State - until hired
permanent - full time position in Income Tax Service
Hudson Jan 1970 - Full time position started in
1970 - resigned after 1 1/2 years - move to Denver 10/71
Return to Moth. Dec 1971 - got divorced
1972 - Credit Bureau - credit reporter
1972-73 - ^{Denver} Loan Co - cashier/general office
1973 - Aldridge Borders & Co. - statistical typist (abt 2m
1973 - Joffe's Dept Store - mens dept
1974-75 - Jack & Janet Volkauhagen - billing/loan ast.
1975 - Brooks Fashions - ast mgr
1976 - Snelling & Snelling Emp Agency - emp. counselor
1976-78 - The Hub - sales associate
1978-79 - The Glass Slipper - ast mgr
1979-82 - Financial Counseling Assoc. - billing/collection rep
1982-84 - Pension Shoe Dept - New York Shoe Corp - sales
1984-1990 - Elton Allen - design consultant
1990-91 - The Shoe Emporium - ast mgr
1991-92 - Kysel Fine Furniture - design consultant
1992-97 - Greentree Financial Corp - ast Svc/collection rep
1997-98 - Alltel Mobile Communications - financial serv rep
11/98-2/00 - AT&T Broadband/Internet Serv. - ast Svc/sales rep
1/2001 to 8/2002 - freelance work - design & organization
8/02-6/03 Sahel Steel Industries, Inc - ast credit mgr

Experiences
in marketing
finance
ast Svc.
Managerial
propositional
communication
skills
customer's
business office
skill

DEFENDANT'S
EXHIBIT

Exhibit



Montgomery Cancer Center

Medical Oncology

Harry M. Barnes III, M.D.
Keith A. Thompson, M.D.
Stephen L. Davidson, M.D.
Stephen A. White, M.D.
Phatama Padavanija, M.D.
Scott A. McDaniel, M.D.

Hospitalist

William Von Taaffe, M.D.

August 28, 2006

Radiation Oncology

William W. Helvie, M.D.
R. Lee Franklin III, M.D.
Michael L. Ingram, M.D.
David T. Vega, M.D.

To Whom It May Concern
8305 Grand Oak Court
Montgomery, AL 36117

RE: Linda Beard
MCC# 27147
DOB: Dec. 31, 1949
SS # 416-74-5444

*Hi...
doctor Helvie and
accommodation
request for employee
terminated before able
to turn in*

Dear Gentlemen:

I am writing on behalf of my current patient, Ms. Linda Beard, who is receiving needed daily radiation treatments. She reports that starting the weekend of 08-12-06 she began to experience fatigue and has actually missed treatments on 08-15-06 and 08-17-06 and informs me she became quite ill the weekend of 08-19-06, missing needed treatments the following week.

Ms. Beard's early onset of fatigue is undoubtedly related to her other multiple health problems and the stress that she states she noted in March, as well as stress and anxiety experienced related to the current diagnosis for which she is being treated.

I understand that during this difficult time Ms. Beard has done her best to continue to work for the much-needed income. These recent health difficulties require Ms. Beard to request a leave of absence from work starting immediately.

Any assistance, accommodation, consideration regarding this necessary request is most appreciated.

If I can provide any additional information which might be of help to you, please do not hesitate to contact me.

Most sincerely yours,

William W. Helvie, MD
WWH/rmm

Main Campus
4145 Carmichael Road
Montgomery, Alabama 36106-2801
Phone 334/ 273-7000
Medical Oncology Fax 334/ 260-2010
Radiation Oncology Fax 334/ 260-5010

East
7085 Sydney Curve
Montgomery, Alabama 36117
Phone 334/ 244-4000
Fax 334/ 244-4053

Prattville
645 McQueen Smith Road North
Prattville, Alabama 36066
Phone 334/ 358-3374
Fax 334/ 358-2275

Selma
1023 Medical Center Parkway, Suite 110
Selma, Alabama 36701
Phone 334/ 872-9300
Fax 334/ 872-9300

ALABAMA BREAST CENTER

Diseases of the Breast

Lee Eaddy, M.D., FACS

4749 Berry Blvd.
Montgomery, AL 36106
(334) 271-0280 Fax (334) 271-1918

Howard C. Snider, M.D., FACS

American Society of Breast Surgeons
Breast Ultrasound Certified

August 8, 2006

RE: Linda Beard

To Whom It May Concern:

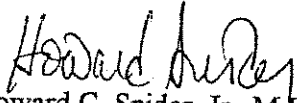
I am writing on behalf of Linda Beard. She recently had surgery for a life-threatening condition and is now taking additional treatment. The treatment is given five days a week for seven weeks. A daily treatment time is set up in advance and the schedule must be maintained over the course of the treatments.

Ms. Beard indicates that she would like to work as many hours as possible during the time that she is being treated. Most patients are able to continue working during the treatment period. She would like to work as many hours as possible on the two days when she does not have treatment and would like to work between 2:00 p.m. and 10:00 p.m. on the days that she does have treatment. We would appreciate any consideration you could give her in order to accommodate this request.

It is important to Ms. Beard to try to maintain as much income as she has in order to meet financial obligations. Although side effects vary with patients, we would anticipate that Ms. Beard would be able to work her usual number of hours if you are able to accommodate her schedule. We would appreciate any help you can give her during this difficult time.

Please feel free to contact us if you have further questions.

Sincerely,


Howard C. Snider, Jr., M.D.

HCSjr/wdm

Montgomery Primary Medicine Associates

2055 East South Boulevard, Suite 308
Montgomery, Alabama 36116-2008
334-286-2390

Samuel J. Saliba, M.D.
10346

Cathy Middleton, D.O.
DO 878

Chere Fulmer, M.D.
27069

Date: 8/23/2006

Patient Name: LINDA BEARD

May Return to School/Work:

Comments:

Patient was seen in the office today and can return to work on Saturday.



Chere Fulmer MD



Neurology Consultants of Montgomery, P.C.

1722 Pine Street / Suite 700
Montgomery, Alabama 36106-1149
(334) 834-1300 • Fax (334) 834-8347

P. Caudill Miller, M.D.
Diplomate American
Board of Psychiatry
& Neurology

Ben C. Wouters, M.D., Ph.D.
Diplomate American
Board of Psychiatry
& Neurology

Sara S. Shashy, M.D.
Diplomate American Board
of Internal Medicine

Larry W. Epperson, M.D.
Diplomate American
Board of Psychiatry
& Neurology

DATE:

8/22/04

RE:

Linda Beard

DOB:

12-31-49

TO WHOM IT MAY CONCERN:

This is to inform you that Linda Beard is a patient of mine,
and ☒ **IS** / ☐ **IS NOT** being released to return to work.

☐ MAY RETURN TO FULL DUTY

☐ MAY RETURN TO LIGHT DUTY

RESTRICTIONS THAT APPLY:

☐ NO BENDING

☐ NO SITTING, STANDING FOR MORE THAN TWO HOURS AT A TIME

☐ NO LIFTING GREATER THAN _____ LBS.

☐ NO STOOPING

☐ NO MOPPING

☐ NO DRIVING

☐ OTHER pls excuse pt from work 8/20 - 8/25

This patient ☒ **WAS** / ☐ **WAS NOT** seen in the office today for medical evaluation
and/or test.

Sincerely,

Caudill Miller, M.D.

☐ Caudill Miller, M.D.

BCW

☐ Ben C. Wouters, M.D.

Larry W. Epperson, M.D.

☒ Larry W. Epperson, M.D.

Coldwater Creek

EMPLOYMENT APPLICATION

Coldwater Creek is an equal opportunity employer and all applicants will be considered without regard to race, color, creed, gender, marital status, sexual orientation, pregnancy, childbirth or pregnancy-related conditions, age, religion, national origin, disability, handicap or any other basis protected by local, state or federal law.

PERSONAL

Name: (please print) Beard Linda L SS# 416-74-5444
 Current address: 8305 Grand Oak Ct Mtgy Mtgy AL 36117
 Telephone number: 834 409-9436 () () () () () () () ()
NUMBER STREET CITY COUNTY STATE ZIP CODE
HOME WORK CELL E-MAIL

POSITION

Position applied for: part-time sales Location: Eastchase ☐ Full-time ☒ Part-time ☐ Temporary
 If you are not available to work Coldwater Creek's hours of operation, please list any exceptions: Cannot work morning hours - preferably - prior to 1:00 - due to other work + personal reasons
 Referral source: ☐ CWC employee / Name: ☐ Employment agency ☐ Job Fair ☒ Newspaper ☐ Radio Other: res
 Have you ever filed an application with Coldwater Creek before? ☐ Yes ☒ No If yes, please give date: / /
 Have you ever been employed by Coldwater Creek before? ☐ Yes ☒ No If yes, please give date: / /
 Do you have any relatives currently working for Coldwater Creek? ☐ Yes ☒ No
 If so, name of relative and employment location:
 On what date would you be available to start work? 6/5/04 What are your salary requirements? \$ 8.00 ☒ Hr ☐ Mo ☐ Yr
 Are you over 18 years of age? ☒ Yes ☐ No
 Have you ever been convicted of a felony crime or have you been convicted of a misdemeanor in the last seven years? ☐ Yes ☒ No
 If yes, please list details, including date(s) of conviction(s) and jurisdiction(s) of crime(s).
 (Convictions will not necessarily disqualify applicant. Each case is considered individually.)

WORK EXPERIENCE

May we contact your current employer? ☐ Yes ☐ No If yes, please initial here

Employer: <u>Sabel Industries Inc</u>	Dates employed From: <u>Aug 02</u> To: <u>June 03</u>
Address: <u>740 S. Court St</u>	Hourly rate/salary: <u>\$29.000⁰⁰ yr</u>
Telephone number: () () () () () () () ()	Supervisor: <u>Steve Dunlap</u>
Job title: <u>Assist Credit Manager</u>	Reason for leaving: <u>Health - no longer able to work 8 hrs at 40 per week</u>
Duties: <u>see resume</u>	
Employer: <u>Ethan Allen</u>	Dates employed From: <u>4-00</u> To: <u>12-00</u>
Address: <u>Eastern Blvd</u>	Hourly rate/salary: <u>commission</u>
Telephone number: () () () () () () () ()	Supervisor:
Job title: <u>Design Consultant</u>	Reason for leaving: <u>Not enough money - bus slow pursue freelance & other</u>
Duties: <u>see resume</u>	
Employer: <u>AT&T Broadband + Internet</u>	Dates employed From: <u>11-98</u> To: <u>2-00</u>
Address: <u>Monticello Drive</u>	Hourly rate/salary:
Telephone number: () () () () () () () ()	Supervisor:
Job title: <u>Cust Serv Sales</u>	Reason for leaving: <u>for job above</u>
Duties:	

Have you ever been fired or forced to resign from any employment?
☐ Yes ☒ No If yes, please explain:

BUSINESS REFERENCES

Give (three) 3 business references who are not related to you.

Name	Position
Company	Business Phone () Home Phone ()
Name	Position
Company	Business Phone () Home Phone ()
Name	Position
Company	Business Phone () Home Phone ()

EDUCATION

Education (Circle last year completed)	School name, city, state	Major subjects	Diploma/Degree
High school 9 10 11 (12)	Sidney Lanier		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Junior College 1 2 3 4			<input type="checkbox"/> Yes <input type="checkbox"/> No
College 1 (2) 3 4	AUM		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Graduate 1 2 3 4			<input type="checkbox"/> Yes <input type="checkbox"/> No
Other (Business, Vocational, Military)			<input type="checkbox"/> Yes <input type="checkbox"/> No

SKILLS AND QUALIFICATIONS

Please indicate the job skills you possess:

☒ Computer Software: _____

☐ Computer Hardware: _____

☐ Spreadsheets: _____

☒ Telephone Skills: _____

☐ Typing: _____ words per minute

☒ 10 Key ☐ Forklift ☐ Hand-truck ☐ Pallet Jack ☒ Other: Xerox, fax

SIGNATURE

I understand that Coldwater Creek may obtain and use a "consumer report" from a "consumer reporting agency" in considering my application for employment. I agree to sign all necessary authorizations upon request by Coldwater Creek to obtain such information.

I authorize the release to Coldwater Creek of all high school, college or other educational records pertaining to my attendance or course work.

I authorize my former employers to release to Coldwater Creek all information contained in human resource files concerning me, and to provide to Coldwater Creek information concerning my performance, terms and conditions of employment, and the reason(s) for my separation of employment. I release my former employers from any liability that may arise as a result of their providing this information to Coldwater Creek.

I understand that I may be required to take and pass a drug test prior to employment with Coldwater Creek, and I agree to such testing.

I understand that no contract of employment with Coldwater Creek will exist at any time or be created as a result of Coldwater Creek hiring me, or by any representation made by any person at any time, with the exception of a written contract signed by the CEO of Coldwater Creek. I understand and agree that if I am hired by Coldwater Creek, my employment can be terminated with or without cause, and with or without notice, at any time at the option of the company or myself. I also understand and agree that all terms or conditions of employment, including benefits and Human Resource policies, are subject to change by Coldwater Creek at any time without notice.

In compliance with the Immigration and Reform Control Act of 1986, I understand that any job offer by Coldwater Creek is contingent upon presenting the required documentation to prove that I am a U.S. citizen or authorized to work in the United States.

I certify that all statements made by me on this application are true and complete. I understand that any misrepresentation or falsification of statements made in this application are grounds for immediate disqualification or termination of employment.

Signature



Date

6.5.04

Coldwater Creek

New Hire Checklist

Some or all of the following topics will be discussed with you during your Employee Orientation and may or may not be applicable depending on your employment classification.

Employee Name Linda L. Beard Hire Date 5-25-04
 Emergency Contact Name and Phone # Kim Thompson - Hm 395-5366 - WK 240-874
cell # 868-0845 or 834-606

PRE-EMPLOYMENT

- ☐ Application
☐ Interview
☐ Reference Check
☐ Offer Letter

COMPENSATION / BENEFITS

- ☐ Compensation
☐ Incentive Award
☐ Stock Options
☐ Performance Appraisal
☐ Insurance Enrollment
☐ 401(k)
☐ Holidays

EMPLOYMENT

- ☒ New Hire Orientation Program
☒ Employee Handbook Review
☐ Safety Orientation
☐ Harassment Policy
☐ I-9 Form / Documents
☒ W-4 Form
☐ Direct Deposit Form
☐ Name Badge
☐ Timekeeping
☐ Seasonal / Temporary Employment Form
☐ Confidentiality Agreement (salaried only)
☐ Code of Conduct (salaried only)
☐ Signed EIF Form
☐ Signed Attendance Policy
☐ Employee Discount
☐ Tour of location

EMPLOYEE ACKNOWLEDGMENT (Please initial each point and sign below)

- I have received and carefully read the Coldwater Creek Employee Handbook. I fully understand the policies described in this book and have had the opportunity to ask questions about these policies. LLB
- I acknowledge that my employment with Coldwater Creek is at-will which means that either I or Coldwater Creek may terminate the employment relationship at any time for any or no reason. LLB
- I acknowledge that I have read Coldwater Creek's Anti-Discrimination and Harassment Policy as well as its Sexual Harassment and Workplace Violence Policies. I have had the chance to ask questions about these policies, and I understand to whom I should report any perceived discrimination and/or harassment. LLB
- I have received the following company property from Coldwater Creek _____

And I agree to return all such property immediately upon my termination. I acknowledge that I will be required to reimburse Coldwater Creek for the cost of such property if it is not returned at the time of my termination. I acknowledge and authorize that Coldwater Creek may withhold the cost of such property from my final paycheck in compliance with state law. _____

Employee Signature

Linda L. Beard

Date

5-26-04

Human Resources Signature _____

Date _____

COLDWATER CREEK EMPLOYEE HANDBOOK

we're glad you're with us!

Coldwater Creek was founded in 1984 by Dennis and Ann Pence who dreamed of building a business with these principles: offer the customer the most compelling merchandise assortments possible, provide exceptional customer service and create a truly unique shopping experience. These principles remain the hallmark of Coldwater Creek's business today, as we have become one of the fastest growing and most dynamic triple channel retailers of women's apparel, jewelry, accessories and gifts in the United States.

You've joined a truly unique company that, above all, cares about its employees, its customers and the quality of its products and service.

We take great pride in fostering an entrepreneurial culture of performance, results, teamwork, and respect for each individual.

Coldwater Creek makes an ongoing investment in our culture, because we understand that employees who feel engaged in the business are more productive and more likely to remain with the company.

We consistently involve employees at all levels of the company in improving the workplace environment. We believe that each employee can affect the success of Coldwater Creek and encourage feedback of ideas that can positively impact the business through improved processes and services. Our company-wide recognition programs provide for continued acknowledgement and awards for outstanding service, contribution and tenure with Coldwater Creek. Our passion to provide our customer with outstanding service, product quality, and a unique shopping experience is supported by our high comparative industry ratings in employee/customer engagement and shopping satisfaction.

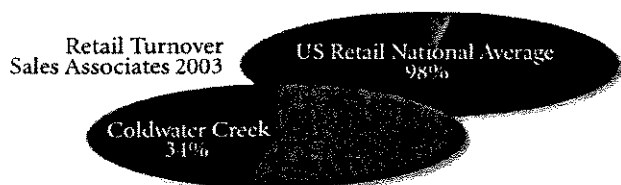
Our participation in research conducted by the Gallup Organization, surveying over 50 companies, across 23 different industries, and over 300,000 employees, reaffirms the strength of our culture.

When compared with other companies in the areas of employee engagement relating to retention, productivity, safety, customer loyalty, and profitability, Coldwater Creek scored in the top quartile of respondents and many of our work groups scored as high as the 95th percentile!

By measuring employee engagement, we can develop training and action plans that continue to strengthen our business. We are committed to the professional development of our employees and provide technical and managerial training across the company. We actively promote from within for job opportunities whenever possible. Our Retail growth will create hundreds of management positions each year across the country.

COLDWATER CREEK EMPLOYEE HANDBOOK

Our 2003 employee turnover ranks well below industry average at under 50% and our management turnover is even less at an average of 20%.



* National Retail Federation Survey 2004

We are also very proud of the fact that women represent over 84% of our total workforce, 67% of our middle management, and 43% of our senior management positions.



* Bureau of Labor Statistics Survey 2004

We also provide our employees with innovative and highly competitive compensation and incentive award programs that support our culture of performance and results. Additionally, we provide our employees with comprehensive benefit programs with Coldwater Creek paying on average over 92% of the costs of insurance for eligible employees!

People come to work for Coldwater Creek because they truly enjoy the special camaraderie and spirit that make us such a great place to work. Throughout the year numerous employee events are held at each Coldwater Creek location that give us time to relax and get to know each other better. Employees remark that working for Coldwater Creek is like having a second family. The care and concern shown by employees towards one another is very special, in times of success or misfortune our employees are always there.

At Coldwater Creek, we challenge ourselves and each other to grow personally and professionally. Because we want you to enjoy your work, pursue your dreams and think beyond traditional boundaries, your creative and professional fulfillment are important to us.

We hope you share in this same spirit and enjoy working for Coldwater Creek!

COLDWATER CREEK EMPLOYEE HANDBOOK

our focus

CUSTOMER PROFILE

The Coldwater Creek customer is a woman between the ages of 30 and 60 with a discretionary income of approximately \$75,000 a year. She enjoys shopping from our catalogs and online and uses our retail store as a place to get away from it all – while she shops.

PRODUCTS

Our in house product development continues to drive the unique look of our apparel giving the Coldwater Creek brand a unique differentiation in the marketplace, as well as a growing perception of value.

Our core merchandise assortment remains anchored in stylish, casual dressing. We continue to infuse tailored designs with color and unique novelty to our product, creating fresh new looks and innovative yet classic, wear-now styling.

CUSTOMER SERVICE

Our Customer Service is legendary. Our strong ethic of customer service supports our brand with a foundation of reliability, caring, friendliness, and a willingness to do whatever it takes to make each and every one of our customers truly feel good about shopping and spending their money with Coldwater Creek.

we have three distinct business channels

CATALOGS

Northcountry remains Coldwater Creek's core catalog featuring women's apparel, jewelry, footwear, accessories and gifts. Supplemented with other catalogs which offer contemporary assortments of more upscale and versatile mix and match, wear-now apparel and accessories, our catalog business has grown to include over 13 million names with over 2.6 million active buyers.

RETAIL STORES

With an explosive growth strategy, Coldwater Creek's retail stores are located throughout the country in regional malls and lifestyle centers. Our stores are distinctly styled and average approximately 5,000 square feet and represent the "best of the best" of Coldwater Creek's apparel, jewelry, footwear, accessories and gifts. We also have a growing number of outlet stores around the country, which offer our customers fantastic values on our clearance merchandise. Our retail stores also feature conveniently located kiosks which allow our customers to shop online while visiting our stores.

E-COMMERCE SITE

Coldwater Creek's award-winning website, www.coldwatercreek.com, was launched in 1999 and features our entire merchandise assortment. Almost 5% of all women's apparel sold online in the United States is sold by us at www.coldwatercreek.com. . . A remarkable market share!

COLDWATER CREEK EMPLOYEE HANDBOOK

coldwater creek locations

CORPORATE HEADQUARTERS

Our corporate offices are located in the resort town of Sandpoint, Idaho. Our corporate staff includes Advertising, Business Intelligence, Finance, Human Resources, Information Technology, Inventory Planning, Marketing, Merchandising, Quality Assurance, Real Estate, Retail, and more.

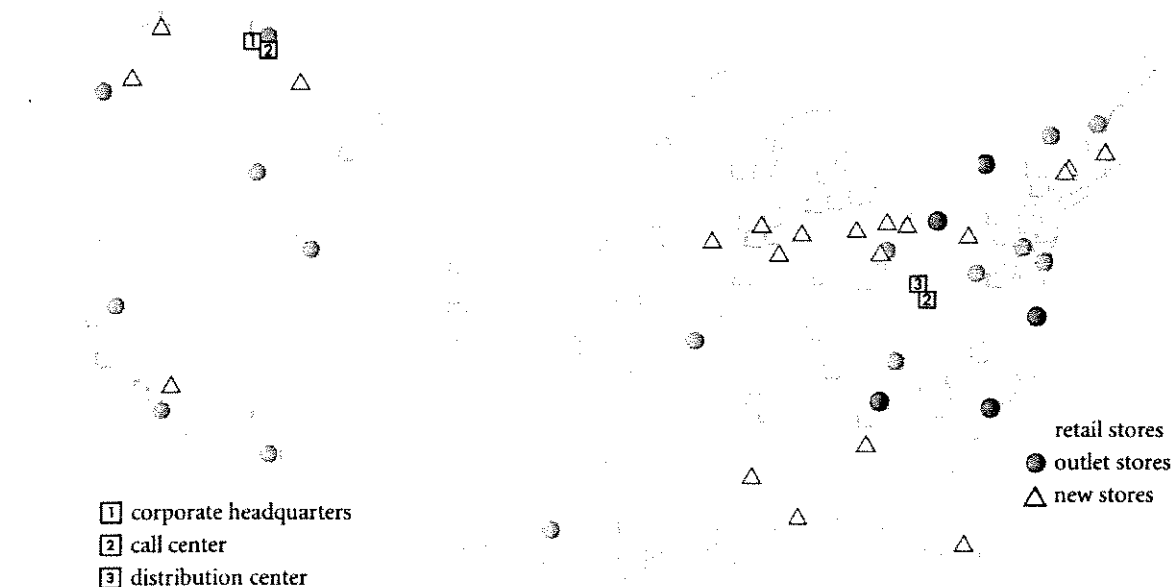
CUSTOMER SERVICE CENTERS

Our locations in Coeur d'Alene, Idaho and Parkersburg, West Virginia handle 40,000 calls on peak days with all calls answered in 8 seconds or less.

DISTRIBUTION CENTER

Our state of the art distribution center is located in Parkersburg, West Virginia. We ship over 52,000 packages on peak days with 98% of all in-stock orders shipped within 24 hours! We also replenish our store inventory nationally within 1 to 3 days.

OUR LOCATIONS



There's so much more to learn about Coldwater Creek, so ask any questions you may have. We're looking forward to working with you!

COLDWATER CREEK EMPLOYEE HANDBOOK

Our mission is simple:
to be the women's
specialty retailer of
choice by offering
the most compelling
shopping experience
for apparel in the
United States for
women 30 years
and older.

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general statement

This Handbook has been prepared as a general reference guide so that you may better understand your privileges and responsibilities as an employee of Coldwater Creek, Inc. and its subsidiaries, including the rules and practices governing your employment with Coldwater Creek. This Handbook supercedes any and all prior policies and practices of Coldwater Creek, oral or written, and any policies, procedures, handbooks or Coldwater Creek rules previously in effect. The general information pertaining to the various benefit plans in our Benefit Plan Summary is based upon official texts, which supersede in case of questions or inconsistency.

THIS HANDBOOK IS NOT INTENDED TO BE OR TO CREATE A CONTRACT OF EMPLOYMENT. THE EMPLOYMENT RELATIONSHIP OF EACH EMPLOYEE IS "AT WILL." THIS MEANS EMPLOYMENT IS NOT FOR A DEFINITE PERIOD AND IS TERMINABLE AT ANY TIME AT THE WILL OF THE EMPLOYER, WITH OR WITHOUT NOTICE, CAUSE OR COMPENSATION.

Please read this Handbook and keep it in a convenient place for future reference. If you have any questions on any part of the Handbook, or any subject not covered in it, ask your supervisor or your Human Resources representative. Coldwater Creek reserves the right to amend or interpret its policies and procedures at any time for any reason without prior notice.

COLDWATER CREEK EMPLOYEE HANDBOOK

business ethics code of conduct

The successful business operation and reputation of Coldwater Creek is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

Coldwater Creek will comply with all applicable laws and regulations and expects its directors, officers and employees to conduct business in accordance with the letter, spirit and intent of all relevant laws and to refrain from any illegal, dishonest or unethical conduct.

Compliance with this policy of business ethics and conduct is the responsibility of every Coldwater Creek employee. Disregarding or failing to comply with this standard of business ethics and conduct may result in disciplinary action, up to and including termination of employment. Employees are expected to demonstrate honesty, integrity and fairness in dealing with customers, vendors, co-workers and other Coldwater Creek affiliates, following these guidelines:

- Be polite, respectful and helpful to customers and co-workers at all times and uphold the dignified image of our company.
- Be loyal and respectful to our company.
- Strive for excellence.
- Protect and conserve company and customer resources.
- Comply with the requirements of company rules and regulations and follow their spirit and intent.
- Avoid situations where personal interests could conflict, or appear to conflict, with the interests of Coldwater Creek.

- Employees may not purchase CWC merchandise for resale purposes.
- Avoid outside employment or activities that may have a negative impact on job performance, or negatively impact Coldwater Creek's reputation in the community.
- If you are in doubt about a policy or procedure, it is your responsibility to ask your Supervisor, Manager(s) or Human Resources before taking a chance on committing a violation.
- Follow your Supervisor or Manager's instructions. If you ever think they are improper, contact a member of Sr. Management or Human Resources as soon as possible, but don't risk being insubordinate.
- Follow the official procedures for every task you perform and don't take shortcuts. If you don't know the correct procedure, look it up or ask someone in an official capacity, not someone who might be guessing.

CODE OF CONDUCT AGREEMENT
ALL SALARIED EMPLOYEES WILL BE REQUIRED TO READ AND SIGN A DETAILED CODE OF CONDUCT AGREEMENT AT THE TIME OF HIRE AND ON A PERIODIC BASIS THEREAFTER.

at-will employment

This Handbook cannot anticipate every situation or answer every question about employment at Coldwater Creek. It does not form or imply a contract between Coldwater Creek and any of its employees. Unless a written document is provided to you and signed by the CEO of Coldwater Creek expressly stating otherwise, your employment status at Coldwater Creek remains "at-will." No member of management, a recruiter, or representative or other agent of Coldwater Creek is authorized to enter into any employment agreement or contract. Nothing in this Handbook changes your at-will status. The term at-will, means that either the employee or Coldwater Creek may terminate employment at any time, with or without cause.

COLDWATER CREEK EMPLOYEE HANDBOOK

equal employment opportunity

The philosophy of Coldwater Creek is to staff positions with the most qualified candidates available. It is the policy of Coldwater Creek to comply with all federal, state and local laws and regulations, and to grant equal employment opportunities to all qualified persons without regard to race, color, creed, gender, marital status, sexual orientation, pregnancy, childbirth or pregnancy-related conditions, age, religion, national origin, disability, handicap or any other basis protected by local, state or federal law. Equal consideration is exercised in all recruiting, hiring, training, promotion, wages and other terms and conditions of employment provided that the individual is qualified for the position or benefit. Coldwater Creek will make reasonable accommodations for qualified individuals with disabilities unless doing so would result in an undue hardship. Individuals requiring accommodations are encouraged to contact their Supervisor, Manager or Human Resources.

harassment

We strongly believe that our employees have the right to work in an environment that is free from all forms of harassment. It is the policy of Coldwater Creek that there be no harassment of any employee or applicant on the basis of race, color, creed, gender, marital status, sexual orientation, pregnancy, childbirth or pregnancy-related conditions, age, religion, national origin, disability, or handicap in the workplace, or any other kind of unlawful harassment. The company is proud of its professional and congenial work environment, and will take all reasonable and necessary steps to ensure that the work environment remains pleasant for all employees.

Sexual harassment is a violation of federal law under Title VII of the Civil Rights Act of 1964, as amended, and also state law. Coldwater Creek will not tolerate

or permit sexual harassment of our employees in any form, and such conduct may result in disciplinary action, up to and including termination of employment.

Sexual or other harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual or harassing nature when:

1. Submission to the conduct is made either an explicit or implicit condition of employment;
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; or
3. The harassment unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Any employee or applicant who feels he or she has been harassed or discriminated against is required to report such incidents to a Supervisor, Manager or anyone in Human Resources that he or she feels comfortable reporting it to. Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating that situation. Coldwater Creek will take your concerns seriously, and will take all reasonable steps to ensure that you do not suffer any retaliation. Reasonable efforts will be made to maintain confidentiality, although the employee reporting such conduct must be aware that Coldwater Creek will conduct an investigation with the person(s) alleged to be involved. Any employee of Coldwater Creek who has been found by Coldwater Creek, after appropriate investigation, to have harassed another employee, may be subject to disciplinary action, up to and including termination of employment, at Coldwater Creek's sole discretion.

This policy applies not only to co-workers and management, but also to non-employees who you come into contact with while working. We trust that all employees of Coldwater Creek will act in a responsible manner.

COLDWATER CREEK EMPLOYEE HANDBOOK

workplace violence prevention

Conduct that threatens, intimidates, or coerces another employee, a customer, a vendor or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's race, color, creed, gender, marital status, sexual orientation, pregnancy, childbirth or pregnancy-related conditions, age, religion, national origin, disability, handicap or any other basis protected by local, state or federal law. ALL threats of (or actual) violence, both direct and indirect, should be reported immediately to your supervisor, another member of management or Human Resources. This includes threats by employees, as well as threats by vendors, customers, or the public. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines may be subject to disciplinary action, up to and including termination of employment.

Coldwater Creek encourages employees to bring disputes or differences with other employees to the attention of their Supervisor or Manager before the situation escalates into potential violence. If the situation is not resolved, it should then be reported to Human Resources.

confidentiality and proprietary information

While employed at Coldwater Creek, employees may have access to and learn of confidential and proprietary company information, the unauthorized use or disclosure of which would cause irreparable injury to Coldwater Creek. It is a violation of Coldwater Creek's policies for employees to disclose any such information to any third party at any time during or after employment, unless such disclosure has been specifically authorized in writing by a member of Coldwater Creek's Executive Management.

The following proprietary information falls within these categories:

1. Company/Employee compensation information.
2. Customer/Employee personal or business information.
3. Financial/Sales/Productivity information.
4. Marketing data and materials.
5. New materials research.
6. Pending projects and proposals.
7. Human Resource files.
8. Research and development strategies.

It is a further violation of Coldwater Creek policies for employees to release any correspondence, memoranda, files, magnetic tape, electronic or other media of any kind which contain any confidential or proprietary information or to permit any inspection or copying of such information, by any third party at any time without the specific written approval of Coldwater Creek.

The protection of confidential business and proprietary information is vital to both the interests and success of Coldwater Creek. Any employee who discloses such information may be subject to disciplinary action, up to and including termination of employment. Unauthorized disclosure may also result in Coldwater Creek taking legal action to protect its interests. All confidential or proprietary information is the property of Coldwater Creek.

CONFIDENTIALITY AGREEMENT

All salaried employees will be required to read and sign a detailed Confidentiality Agreement at the time of hire and on a periodic basis thereafter.

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insider trading

The trading window to buy and sell Coldwater Creek stock will remain open year-round for most employees. Employees at the Divisional Vice President level and above and salaried finance and accounting employees are restricted by trading window closures. Notification will be sent to these employees when they may buy and sell Coldwater Creek stock.

outside employment

While employed at Coldwater Creek, employees may hold outside jobs as long as the employee continues to meet performance expectations at Coldwater Creek. Employees are required to disclose other employment outside Coldwater Creek to their respective Supervisor or Manager(s) or Human Resources. Employees may be restricted from working a second job if, as determined by management in its sole discretion, the job presents a potential or actual conflict of interest with Coldwater Creek.

SALARIED EMPLOYEES MAY BE SUBJECT TO ADDITIONAL RESTRICTIONS SET FORTH IN OTHER SIGNED AGREEMENTS WITH COLDWATER CREEK.

business gifts and entertainment

Gifts and lavish entertainment may be viewed as attempts to unduly influence relationships between Coldwater Creek and its vendors, or other companies that may have relationships with Coldwater Creek. Employees should use the following guidelines to determine the appropriateness of receiving and giving business gifts and entertainment.

Each employee shall discourage, as tactfully as possible, the custom of individuals and companies giving gifts. Although such gifts are expressions of cordial relationships between individuals closely

associated by their work, acceptance can place the employee or Coldwater Creek in an inappropriate situation. Each employee should determine if the gift oversteps the bounds of propriety, but in no event should a gift be accepted or given that would either appear to compromise or actually compromise the employee in the performance of duties or cause any embarrassment to Coldwater Creek.

Whenever an employee receives a gift as a result of a work relationship, the employee shall inform his or her Supervisor or Manager and discuss the propriety of keeping the gift. If the value of the gift exceeds \$30.00, it should be returned to the sender with notification of Coldwater Creek's gift policy. Other gifts of nominal value (i.e. fruit baskets, flowers, liquor, candy, etc.) that are not practical to return should be donated or distributed in such a way that a larger number of employees may share in the benefit of the gift. The sender is to be notified of this policy and the distribution of the gift to the staff. Tickets for entertainment or sporting events may be accepted by the employee if the employee pays the full price of the ticket.

Gifts may not be given as a matter of business practice without the approval of Management.

information systems

Computer software licenses and the confidential and proprietary information in our systems are assets of Coldwater Creek. These assets carry legal responsibilities for Coldwater Creek and its employees under the law, as well as under contracts with the software vendors. Therefore, most duplication of software is prohibited except to create backup or archival data. Unauthorized usage of software is prohibited, as is distribution of a copy of original software to any individual not employed by Coldwater Creek.

In addition, the confidential and proprietary information contained in this software may not be discussed or disclosed, except as authorized and necessary to perform job responsibilities.

COLDWATER CREEK EMPLOYEE HANDBOOK

PHONE, E-MAIL AND INTERNET USAGE

Coldwater Creek e-mail, Internet and voice mail are corporate assets and critical components of communication systems. The e-mail and voice mail systems are provided by Coldwater Creek for employees to help facilitate in the performance of company work and their contents are the property of Coldwater Creek. Although Coldwater Creek does not make a practice of monitoring these systems, management reserves the right to retrieve the contents for legitimate reasons, such as to find lost messages, to comply with investigations of wrongful acts or to recover from system failure. In the course of their duties, systems operators and managers may monitor use of the Coldwater Creek network or review the contents of stored records and files.

Telephone, electronic mail and access to the Internet are provided for business use only. Coldwater Creek understands that sometimes it is necessary for employees to make personal calls or e-mails during business hours. They must be kept to a minimum, and, whenever possible, handled during breaks and meal periods so they do not negatively impact work or disrupt business operations. Use of e-mail, Internet and voice mail is limited to employees and authorized vendors, temporaries, or contractors. Employees and authorized users are responsible to maintain the security of their account and their password. Attempts should be made to keep messages concise and directed to individuals with an interest or need to know basis. Communications via e-mail, Internet or voice mail should not burden the receiver inappropriately or unnecessarily.

Misuse of e-mail, Internet and voice mail may result in disciplinary action, up to and including termination of employment. Examples of inappropriate and prohibited use include but are not limited to:

- Obscene, profane or offensive material transmitted over any company communication system. This includes, for example, accessing erotic materials via news groups and web sites, as well as messages, jokes, or other communications which violate our harassment policy or create an intimidating or hostile work environment.

- Downloading of any proprietary company information that is not authorized by the Information Technology department.
- Downloading of any programs, utilities, services or graphic/audio files not authorized by Information Technology.
- Use of company communications systems to set up personal businesses or send chain letters.
- Forwarding confidential company messages to locations outside Coldwater Creek.
- Accessing copyrighted information in a way that violates the copyright.
- Breaking into the system or unauthorized use of a password/mailbox.
- Broadcasting personal views on social, political, religious or other non-business related matters.
- Solicitation to buy or sell goods or services.

The Information Technology department is responsible to ensure the efficient use of systems according to this policy. Where issues arise, Human Resources and Information Technology will deal directly with the employee and notify their respective Supervisor or Manager where appropriate.

solicitation/distribution

In order to prevent disruption in the operations of Coldwater Creek, certain limitations apply to any solicitation or distribution of materials by employees and non-employees. Persons not employed by Coldwater Creek may not solicit or distribute literature on Coldwater Creek property for any purpose at any time. In addition, employees may not solicit or provide non-business goods or services during work time. No employee shall solicit or promote support of any cause or organization during his or her working time or during the working time of the employee or employees at whom such activity is directed. This includes solicitation for purposes of

COLDWATER CREEK EMPLOYEE HANDBOOK

sale, surveys, and distribution of samples of literature, the taking of petition signatures or any other form of solicitation.

No employee shall distribute or circulate any written or printed material during his or her working time or during the working time of the employee or employees at whom such activity is directed. Employees may not distribute any form of literature or other written material at any time for any purpose in work areas.

During non-working time such as meal and break periods, reasonable forms of solicitation and contact between employees are permitted in recognized non-working areas. For purposes of the above policy, "working time" does not include meal or break periods.

No employee shall enter or remain in the building and other work areas for any purpose except to report for, be present during, or conclude his or her work. Cards, literature, announcements, notices and other materials of any kind may not be posted on bulletin boards or distributed in or about the working areas of any employee at any time other than materials that are expressly endorsed by Senior Management of Coldwater Creek.

This policy is not intended to prevent Coldwater Creek from carrying on its normal employee relations programs or activities, which may, from time to time, result in distributions and solicitations on Coldwater Creek premises.

union-free workplace

Coldwater Creek believes that an appreciation and concern for each employee in our company provides the best possible environment for the achievement of both individual and company goals. We believe that any outside third party such as a union would interfere with these goals.

A union seeks to limit Coldwater Creek's right to operate our business most effectively and limits the employee's rights to deal directly with Management. Coldwater Creek strives to earn the right to work directly with our employees by maintaining an environment in which a union is not necessary.

smoke-free workplace

In keeping with Coldwater Creek's intent to provide a safe and healthy environment, smoking is prohibited in all Coldwater Creek offices, warehouses and satellite facilities, unless otherwise designated.

drug-free workplace

Coldwater Creek is a drug-free and alcohol-free workplace. Employees who abuse prescription drugs or who use, sell, purchase, or distribute unlawful drugs or controlled substances on Coldwater Creek property, in parking lots adjacent to Coldwater Creek's stores or facilities, or during working hours, or who report to work under the influence of illegal drugs, abused prescription drugs or alcohol or while visiting Company facilities during non-working hours may be subject to disciplinary action, up to and including termination of employment.

The only exception to this policy is when Coldwater Creek sponsors events, with the approval of Senior Management that may allow for the consumption of alcoholic beverages on a limited basis, or when alcoholic products are merchandised as part of our normal business operations. Employees are expected to act responsibly in such circumstances.

DRUG AND ALCOHOL TESTING

Coldwater Creek may require employees to submit to testing for illegal use of drugs or controlled substances, or alcohol as a condition of employment, or whenever Coldwater Creek has reason to believe that the employee has violated the policies set forth in Coldwater Creek's Employee Handbook, or for the following purposes:

COLDWATER CREEK EMPLOYEE HANDBOOK

- Investigation of possible individual employee impairment.
- Investigation of accidents in the workplace or incidents of workplace theft.
- Maintenance of safety for employees or the general public.
- Maintenance of productivity, quality of products or services, or security of property or information.
- To comply with regulations mandated by federal or state government.

All information, interviews, reports, statements, memoranda, or test results received by Coldwater Creek through drug and alcohol testing are confidential and will be handled on a "need to know" basis, and will only be used in the event of action by Coldwater Creek, or in defense of any action brought against Coldwater Creek.

benefits

Coldwater Creek offers a variety of benefit programs for our employees including, but not limited to, medical, dental, life insurance, Short Term Disability, Long Term Disability, 401(k), holiday pay, sick pay, vacation, leave of absence and employee discount. Eligibility for these benefits is based on employment classification and length of service. Benefits information will be outlined in our Benefit Plan Summary and discussed with you in greater detail during your employment orientation.

HIPPA - HEALTH INSURANCE PORTABILITY AND PROTECTION ACT

Coldwater Creek has established guidelines in compliance with HIPPA to safeguard employees' protected health information. Any employee wishing to disclose information about a health condition to Coldwater Creek Management or Human Resources must complete an authorization form. The HIPPA privacy notice is distributed to all full-time eligible and salaried employees.

HELPING HANDS

Helping Hands is a not-for-profit organization developed to help Coldwater Creek employees in times of financial crisis. Helping Hands is supported by donations from Coldwater Creek employees. If a financial crisis occurs, Coldwater Creek employees may request assistance by completing an Employee Assistance Request Form that is available from your respective manager or Human Resources department. The Helping Hands Committee will review each case confidentially to determine how the funds are distributed.

The following are some examples of catastrophic situations for which an employee may qualify for assistance:

- Medical emergencies.
- Domestic emergencies, i.e. inability to pay for food or a utility bill, the need for emergency housing, etc.
- Assistance as a result of domestic violence or child abuse.
- Eviction from one's home.
- Financial support during a temporary or permanent disability.

Employees may contribute to Helping Hands by designating a specific amount to be deducted from their paycheck on an ongoing basis or make a one-time donation via a personal check. Contact your respective Supervisor, Manager or Human Resources department to sign up for a payroll deduction or to make a contribution.

MILEAGE REIMBURSEMENT

Employees who use their personal vehicles for approved business purposes will receive a mileage reimbursement equal to the current federal mileage reimbursement rate. This allowance is to compensate for the cost of gasoline, oil, depreciation, insurance, etc. Mileage reimbursement will cover work miles traveled to locations other than the regular work site, but do not cover miles driven from home to your regular work site.

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Mileage should be itemized on an expense report and authorized by the individual's Manager. Reimbursement is made through the payroll system and will appear on the employee's paycheck.

TRAVEL EXPENSE REIMBURSEMENT

Employees who travel on company business may be reimbursed by the company for business related expenses incurred in conjunction with company policy.

LEAVE OF ABSENCE

Coldwater Creek provides for employee leaves of absence with Senior Management and Human Resources approval in accordance with company policy and are outlined in our Benefit Plan Summary.

family and medical leave act (FMLA)

This general statement of Coldwater Creek's policy on the federal Family and Medical Leave Act (FMLA) is intended to inform employees of the existence of certain rights they are entitled to exercise under the FMLA.

The specific rights of employees are governed by the FMLA and interpretive regulations adopted by the U.S. Department of Labor.

REASONS FOR TAKING LEAVE

The FMLA allows eligible employees to take up to 12 workweeks of paid or unpaid leave (in a 12-month period), based on state regulations, for certain family and medical reasons. Unpaid leave will be granted to eligible employees for any of the following reasons:

- For the birth of a child and to care for the newborn child, or because of the placement of a child for adoption or foster care.
- To care for the employee's spouse, son or daughter or parent who has a serious health condition.
- For a serious health condition that renders an employee unable to perform the functions of his or her job.

The definition of serious health condition is set forth in the FMLA regulations, a copy of which is available in the Human Resources Department for you to review. Eligible employees are required to use any accrued sick and disability leave payment under Coldwater Creek's sick and or disability leave policies while on FMLA leave. Employees may choose, at their discretion, to use any paid leave time available to them under the vacation policy. The total allowance for FMLA leave remains at 12 weeks, regardless of any accrued benefits that are paid during such leave.

ELIGIBILITY

Employees are eligible for FMLA leave if they have worked for Coldwater Creek for at least one year and have accrued at least 1,250 hours worked over the 12-month/52-week period immediately prior to the requested leave. The 12-month period in which an employee may use FMLA leave is measured from the date the employee's FMLA leave begins. The next 12-month period would begin the first time FMLA leave is taken after completion of any previous 12-month period.

Employees should provide a thirty (30) day advance written notice for any leave that is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or family member. The notice must include the reason for and the anticipated dates of the leave. In the event the leave is due to an emergency situation, the employee should give as much advance notice as possible. Failure to provide such notice of a foreseeable leave may result in Coldwater Creek denying the leave for a period of up to 30 days.

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In the case of an employee's or family member's serious health condition, an employee may take leave on a reduced or intermittent schedule. The employee should make every effort to schedule reduced or intermittent leave so that it does not unduly disrupt Coldwater Creek's operations. Coldwater Creek reserves the right to temporarily transfer an employee taking reduced or intermittent leave to another position with equivalent pay and benefits in the event disruption is anticipated or occurs. In those situations where a husband and wife both work for Coldwater Creek, and both wish to request time off under the FMLA, the leave will be administered as follows:

- Birth or care for child after birth, placement for adoption, foster care or to care for a child after placement, serious health condition of parent. Leave is limited to a combined total of 12 weeks between spouses employed by Coldwater Creek.
- Serious health condition of child or spouse – both spouses employed by Coldwater Creek can take the full 12 weeks of leave during the 12-month period.

MEDICAL

Medical certification from a licensed health care provider will be required to support a request for leave involving a serious health condition of the employee or family member. The employee must ensure that the attending physician (or other licensed health care provider) completes and returns the Certification of Health Care Provider form certifying that the reason for leave is due to a serious health condition, within fifteen days of receipt. The Certification of Health Care Provider form is available in the Human Resources department and should be completed and returned by the employee to Human Resources before the leave begins. Coldwater Creek may require a second or third opinion, at Coldwater Creek's expense, to further verify the need for leave. Coldwater Creek reserves the right to require periodic medical updates throughout the duration of the leave. A fitness-for-duty certification from the employee's health care provider is required before an employee is eligible to return to work from leave that is taken due to the employee's serious health condition.

BENEFITS PROTECTION

The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave. This includes accrual of vacation, disability and sick leave and timing of performance / salary reviews. Benefit premiums that are currently being paid by Coldwater Creek will continue to be paid by Coldwater Creek while the employee is on leave. The employee must continue to pay the same portion of any individual, spouse and or dependent benefit premiums that the employee was responsible for prior to the FMLA leave in order to maintain coverage under the insurance plan(s). If an employee's share of any health insurance premium is delinquent for more than 30 days, the employee's health care coverage will be terminated, provided we notify you in writing within 15 days prior to the cancellation. An employee should consult with Human Resources prior to his or her leave to discuss and make arrangements for continuation of premium payments or to temporarily waive benefits coverage while out on leave.

If an employee decides to temporarily waive coverage for him or herself and/or dependents in any of the plans, the coverage will be reinstated upon his or her return with the same benefit elections he or she had prior to leave and with no penalties or waiting periods. If an employee fails to return from leave within thirty (30) days following expiration of such leave, Coldwater Creek reserves the right to recover the cost of any benefit premiums that Coldwater Creek paid during the employee's leave.

RETURN TO WORK

In most instances, an employee returning from FMLA leave will be restored to the position previously held prior to the FMLA leave, provided that the position remains available. If that position is unavailable, the employee will be reinstated to an equivalent position with equivalent pay and benefits. An employee taking an FMLA leave is not entitled to any greater right to reinstatement or other benefits than if continuously employed during the leave.

COLDWATER CREEK EMPLOYEE HANDBOOK

job applications

Coldwater Creek relies upon the accuracy of information contained in the employment application, as well as the accuracy of other information presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions may result in Coldwater Creek's exclusion of the individual from further consideration for employment or, if the person has been hired, may result in disciplinary action, up to and including termination of employment.

reference checks

All requests for employment related references, in any form, on current or former employees, must be directed to Human Resources. Generally, responses to such inquiries will confirm only dates of employment and position(s) held.

Under no circumstances should Coldwater Creek employees release employment reference information regarding another current or former employee.

pre-employment criminal background & credit checks

In consideration of possible employment with Coldwater Creek or as a condition of continued employment with Coldwater Creek, the company may obtain a consumer report or an investigative consumer report from a consumer reporting agency concerning prospective or current employees.

employment classifications

Employment classifications determine work schedules and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at-will at any time is retained by both the employee and Coldwater Creek.

SALARIED EMPLOYEES are those who are exempt from overtime compensation in accordance with federal and state laws.

SALARIED NON-EXEMPT EMPLOYEES are those who are eligible for overtime in accordance with Federal and State law.

HOURLY EMPLOYEES may receive overtime compensation in accordance with federal and state laws.

- **FULL-TIME HOURLY** employees are those who are regularly scheduled to work 32 or more hours per week.
- **PART-TIME HOURLY** employees are those who are regularly scheduled to work an average of 20 or more hours per week. Actual hours may vary by location and business needs.
- **SEASONAL OR TEMPORARY HOURLY** employees are those who are scheduled to work on an intermittent and/or unpredictable basis. Actual hours may vary by location and business needs.
- **ON-CALL HOURLY** employees generally work less than 20 hours per week on an intermittent or unpredictable schedule based on business needs.

COLDWATER CREEK EMPLOYEE HANDBOOK

work schedules

Employees may be required to work a variety of scheduled hours during days, evenings, and or weekends based on business demands. Additionally, employees may be provided cross training for work assignments in other departments based on business needs.

Coldwater Creek reserves the right to modify an employee's work schedule as necessary.

ABSENCES AND TARDINESS

Employment is a matter of mutual agreement. Coldwater Creek has a right to expect that employees will be present and ready for work when and where they are assigned. Employees have the right to expect consideration for legitimate excuses for absence and tardiness.

All Coldwater Creek employees are expected to personally contact their supervisors or managers with prior notice if they will be absent or tardy for a legitimate reason. Excessive absenteeism or tardiness, unexcused absences or no-shows for whatever reason, may result in disciplinary action, up to and including termination of employment in conjunction with the attendance policy at each respective location.

BREAKS AND MEAL PERIODS

Breaks and meal periods are provided in each Coldwater Creek location and may vary in compliance with state law.

TIMEKEEPING

Accurately recording time worked is the responsibility of every salaried non-exempt and hourly employee. All salaried non-exempt and hourly employees are required to record on the timekeeping system when you arrive at work, leave for and return from meal periods, and leave at the end of the workday. The company reserves the right to require other employee classifications to record hours worked as necessary. If you make an error, have your Supervisor or Manager correct it immediately. Do not clock in or out for another employee or have another employee clock in or out for you. Falsifying personal time records or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

job postings

Coldwater Creek will, whenever reasonably possible, communicate open positions through our job posting process. Employees who are interested in applying for open positions at Coldwater Creek must notify their respective Supervisor, Manager and Human Resources. When filling a vacancy, Coldwater Creek may promote or transfer a current employee who meets the job requirements and qualifications of the open position.

rehires

Individuals who have previously worked for Coldwater Creek may be considered for rehire provided they meet the requirements and qualifications of the position and had a previous satisfactory work record. Employees rehired within 30 days of the previous termination date with Coldwater Creek will be reinstated with former benefits in compliance with company benefit eligibility policy. Depending on location and position, employees rehired may be required to submit to drug testing.

referral program

Coldwater Creek may at various times of the year offer referral bonuses to employees who refer candidates for employment. Referral programs may vary depending on location.

employment of relatives

In order to insure fairness and avoid potential conflicts, Coldwater Creek will, whenever possible, avoid hiring relatives into the same departments or retail locations with one another.

Under no circumstances will relatives be allowed to work in a direct supervisory relationship.

COLDWATER CREEK EMPLOYEE HANDBOOK

dress code and personal appearance

Coldwater Creek's dress code varies by location. For example, if you work in our Distribution Center, closed-toe shoes are a must. If you work in our retail stores we ask that you dress casually yet professional, in relationship with the apparel you are selling. A casual yet professional appearance works for our corporate offices too. Extreme body piercing, tattoos or excessive use of body fragrances may be considered inappropriate as determined at each company location. If an employee comes to work wearing inappropriate clothing, the Supervisor or Manager will provide guidance for appropriate attire or, if necessary, send the employee home to change clothes before returning to work. All employees must present a neat, clean and professional appearance.

Not sure what is acceptable? Check with your Supervisor or Manager as dress requirements will vary.

personal items

Coldwater Creek is not responsible for the loss of any personal items belonging to an employee, whether in the workplace or in their personal vehicles.

Employees may be required to have personal items (i.e. briefcases, purses, shopping bags, etc.) inspected while entering or leaving a Coldwater Creek facility, or at any time during business hours.

Coldwater Creek maintains the right to complete access to its property including lockers, desks, and other storage units, and that accordingly, such property can be inspected by an authorized representative of Coldwater Creek at any time, with or without prior notice.

personal vehicles

Coldwater Creek is not responsible for damage to employees' personal vehicles on Coldwater Creek property.

employee parking

Employees must park in designated employee parking areas, which will vary by location. Check with your Supervisor or Manager if you have any questions.

entrances/exits

All employees are required to use designated employee entrances and exits as identified at each location.

guests

In order to insure a safe and efficient workplace in Coldwater Creek's offices, retail stores, distribution center, call centers and corporate headquarters, all guests, contractors, vendors and the general public will be required to check in at designated areas in each respective location.

employee shopping

Employees are not permitted to shop at retail locations or online during his or her working hours. Employee shopping must be done either before or after a scheduled work shift, or during an approved meal period. Retail store employees must make their purchases at the end of their respective work shift in the store and must have their purchase rung at the register by a member of the store management team or designated lead associates. Retail employees must make their returns prior to the start of their respective work shift. Merchandise will not be held for employees or eligible dependents in the retail stores beyond the close of business each day.

COLDWATER CREEK EMPLOYEE HANDBOOK

employee discount

Employees are normally allotted the discounts listed below. During some special events, or in certain locations (i.e. Warehouse stores, Warehouse Sales, etc.) employee purchasing may be restricted and discounts may be altered.

- 40% on all regular price and ticketed sale price merchandise in premium and outlet stores. 10% on all seconds merchandise. The only exception where the employee discount is not allowed is during special in store promotions, or on selected merchandise.
- 40% on merchandise purchased on the Coldwater Creek website. To receive the employee discount on the website, employees must enter the letter "E" along with their employee number. Employees may not use their employee discount along with another website offer code or the kiosk free shipping offer code. Employees without a credit or debit card may make purchases from the website via check orders sent to any Customer Service Manager.
- Employees may not order directly from Coldwater Creek catalogs via the phones. Employees are required to place catalog orders using mail, fax or the website. All items are available on the website.
- Employees may be required to observe a waiting period after the release of promotional catalogs (i.e. Clearance, Gifts to Go, etc.) before they can make purchases using their employee discount.

ELIGIBILITY

- Employees, spouses, or significant others and dependents that live with the employee and are claimed as dependents on the employee's income tax returns are eligible to receive the Coldwater Creek employee discount.
- Prior to first-time use, each employee must validate his/her discount by notifying Human Resources of eligible dependents.

- It is the responsibility of each employee to insure that each eligible dependent fully understands the discount benefit and the rules with which they must comply.

PURCHASE WITH DISCOUNT

- Only employees and eligible dependents with proper identification may make purchases with discounts.
- Employees may make their own purchases on the website. Employees will pay postage and handling charges on orders placed on the website.

GIFTS

- May be purchased by the employee and eligible dependents for a discount provided that they pay for the purchase themselves and receive no reimbursement.

RETURNS

- Must be made within 30 days from date of purchase with the appropriate receipt to receive cash or credit as per the original method of payment.
- An Employee return or exchange MUST be accompanied by a receipt or collate. If a receipt or collate is unavailable, the return/exchange will only be accepted if the original purchase/order can be located in the system.
- No employee returns are accepted over 30 days from date of purchase unless the merchandise is defective.
- No refunds or price adjustments are allowed for merchandise purchased at an earlier time that is later shown in a sale catalog or offered at a lower price in any channel of Coldwater Creek.

Misuse of the employee discount policy will result in disciplinary action, up to and including termination of employment.

COLDWATER CREEK EMPLOYEE HANDBOOK

access to human resource files

Human Resource files are the property of Coldwater Creek and access to the information they contain is restricted. Generally, only Coldwater Creek Management may review information in the Human Resource files. With reasonable advance notice, employees may review their Human Resources files in the presence of the respective Human Resources Manager or Retail Manager.

change of status

It is the responsibility of each employee to promptly notify their respective Human Resource representative of any changes in personal data. Personal mailing addresses, name change, telephone numbers, number and names(s) of dependents, marital status change, beneficiary designation, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports must be accurate and current at all times.

paydays

All employees are paid bi-weekly (every 2 weeks) on Thursday. Each paycheck will include earnings for all work performed through the end of the previous 2 week payroll period. Workweeks begin each Sunday at 12:01 a.m. and end the following Saturday at 12:00 midnight. Paychecks will be available during business hours on each payday at a designated location in compliance with federal and state regulations. No paycheck will be released to any employee prior to payday (Thursday).

Direct Deposit is available for all employees and will be discussed in greater detail during your employment orientation. Pay advances are not issued to employees under any circumstances.

overtime

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When reasonably possible, advance notification of these assignments will be provided. All overtime work must receive prior approval from the immediate Supervisor or Manager. Overtime assignments will be distributed as necessary to all employees qualified to perform the required work.

Hourly and salaried non-exempt employees will be paid overtime in compliance with respective state and federal law. Paid leave will not be considered hours worked for purposes of determining overtime.

An employee is responsible for reporting all time worked. Employees who work overtime without receiving prior authorization from their manager may be subject to disciplinary action, up to and including termination of employment. Salaried exempt employees are not entitled to overtime pay in accordance with federal law.

premium pay

All hourly employees (full-time, part-time, seasonal and temporary) may receive premium pay for certain hours worked as determined at each company location.

vacation pay

Eligible employees accrue vacation on a monthly basis beginning on their anniversary date based on the following schedule:

ANNIVERSARY DATE TO 3RD YEAR ANNIVERSARY DATE

- Accrue 80 Hours Per Year

THIRD YEAR ANNIVERSARY DATE TO FIFTH YEAR ANNIVERSARY DATE

- Accrue 120 Hours Per Year

COLDWATER CREEK EMPLOYEE HANDBOOK

**FIFTH YEAR ANNIVERSARY DATE
TO TENTH YEAR ANNIVERSARY DATE**

- Accrue 160 Hours Per Year

TENTH YEAR ANNIVERSARY DATE AND FORWARD

- Accrue 200 Hours Per Year

Vacation calendar years may vary based on location. Earned and unused vacation will be paid at the time of termination. Please refer to the policy for your respective location for specific plan information.

sick pay

Eligible employees receive a maximum of one week (40 hours) of paid sick leave each calendar year, which may be taken for employee illness or for the illness of an immediate family member who requires care (this amount is pro-rated the first year for employees who are eligible after January 1). Unused sick leave may not be carried over year-to-year. Unused sick leave is not paid at the time of termination. Please refer to the policy for your respective location for specific plan information.

holidays

Coldwater Creek observes the following Holidays:

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day
- HOURLY EMPLOYEES WHO ARE FULL-TIME, AND BENEFIT ELIGIBLE, WILL RECEIVE 8 HOURS OF HOLIDAY PAY FOR THESE HOLIDAYS.
- All hourly employees (full-time, part-time, seasonal and temporary) who work on a holiday will receive time and one-half for actual hours worked.

- All hourly employees (full-time, part-time, seasonal and temporary) who work on Easter will receive time and one-half for actual hours worked but will not receive any other additional holiday pay.

Hourly employees are eligible for holiday pay immediately from date of hire. Paid time off for holidays will not be counted as hours worked for the purpose of determining overtime.

Salaried employees required to work on a holiday may schedule another day off within the same pay period with management approval.

safety

Establishment and maintenance of a safe work environment is the shared responsibility of all employees. Coldwater Creek will attempt to do everything within its control to comply with federal, state, and local safety regulations. Each employee is expected to be aware of good safety habits and to exercise caution in all work activities.

Employees should report potential safety hazards to their Supervisor, Manager or Human Resources as soon as possible. It is not only the responsibility of the Manager, but also the responsibility of all employees to correct unsafe conditions as promptly as possible.

In the event of a fire, activate the nearest fire alarm, and call 911 or the local emergency number immediately. Fire extinguishers are stationed throughout each location. Check with your Supervisor or Manager for training and use of this equipment. Know the location of exits and the proper procedures in the event of a fire.

ACCIDENT REPORTING

Employees are required to report and document employee or customer accidents to their respective Manager or Human Resources as soon as possible in accordance with company safety policies.

FIRST AID SUPPLIES

First aid kits are available at all sites for employee use, and will be checked regularly by management

COLDWATER CREEK EMPLOYEE HANDBOOK

for appropriate contents. Employees should check with their Manager for the location of the nearest first aid kit. In a continuing effort to maintain a safe work environment, Coldwater Creek has installed AED's (Automatic External Defibrillator) throughout the Sandpoint, Coeur d'Alene and Parkersburg campuses. These units are to be used only in case of a life threatening emergency by trained personnel. Coldwater Creek offers First Aid, CPR and AED training throughout the year and is voluntary.

SAFETY COMMITTEE

In an effort to provide the safest possible working environment for employees, guests, and visitors, Coldwater Creek has appointed a safety committee composed of representatives throughout Coldwater Creek.

workers compensation

Coldwater Creek provides Workers Compensation Insurance for all employees as defined by states' Workers Compensation laws. We also pay the premium for Workers' Compensation insurance, in case you are injured or suffer an occupational illness while on the job as defined by states' Workers Compensation laws. If you are injured or suffer an occupational illness of any kind, you must notify your Supervisor or Manager immediately and complete an incident report.

Some jobs require post-accident drug testing and may affect your Workers Compensation weekly benefit amount. Medical fees and weekly timeless benefits are paid as in conjunction with state law.

loss prevention

Coldwater Creek is committed to protecting our employees, as well as Coldwater Creek's merchandise and property. All employees share in this responsibility.

Be alert at all times and if you notice something unusual or spot a shoplifter, contact your Supervisor,

Manager or immediately contact the Employee Hotline at 1-888-480-4747. Never attempt to stop or apprehend a shoplifter!

All share in the responsibility of minimizing inventory shortage and protecting company assets. Accordingly, Coldwater Creek will aggressively prosecute anyone including employees apprehended for theft.

your development at coldwater creek

Your development at Coldwater Creek starts immediately with a new hire orientation program. This program has been developed to acquaint you with our culture, company policies and procedures, including the daily operation of our business, and how your job plays a significant role.

The manner in which you approach your job, accept your responsibilities and perform will determine your success. Coldwater Creek will do everything within reason to assist you in your development. You will be provided training, performance reviews, and guidance in career development. Your Manager can be of great assistance in familiarizing you with your job responsibilities, and will help you adjust to your new work environment. You and your Manager will periodically discuss your overall job performance as a means of measuring your progress.

Coldwater Creek strongly believes in the promotion of our employees within Coldwater Creek, wherever reasonably possible, subject to the availability of other qualified candidates for promotion. You are encouraged to discuss your job performance and career objectives with your respective Manager and/or Human Resources.

PERFORMANCE REVIEWS

Building a high performance organization is critical to the success of Coldwater Creek. An important aspect to achieving this goal is to provide a clear and effective Performance Review Process that focuses on business objectives as well as skills and competencies needed to be successful in our culture.

COLDWATER CREEK EMPLOYEE HANDBOOK

- **PERFORMANCE REVIEWS FOR SALARIED EMPLOYEES** are administered in two measurement periods. The first measurement period is February through July. The second measurement period is August through January of each fiscal year.
- **PERFORMANCE REVIEWS FOR HOURLY EMPLOYEES** may vary depending on location but are generally administered on a semi-annual and/or annual (anniversary date) basis.

Coldwater Creek's Performance Review Process is based on open and ongoing communication regarding job performance throughout the course of the year, and culminates annually with candid and direct written feedback on the employee's job performance. We believe it is the responsibility of each manager and employee to make a mutual commitment to fostering professional growth and development.

Performance-based increases for both salaried and hourly employees are administered in conjunction with the annual performance review.

standards of conduct

The following are examples of other policy and procedure violations that, as determined by Coldwater Creek, may subject an employee to disciplinary action, up to and including termination of employment. Coldwater Creek's management reserves the right to review and make determinations on each situation on a case-by-case basis. This list is not all-inclusive:

1. Rude or discourteous treatment of customers.
2. Dishonesty in any form or degree.
3. Damage, loss or destruction of Coldwater Creek property, employee, or customer property due to willful or careless acts.
4. Unauthorized possession of, removal or use of property belonging to Coldwater Creek, its customers or other employees.
5. Being under the influence of, or possessing or using alcohol or illegal drugs during work time or on Coldwater Creek premises.
6. Insufficient performance of duties, incompetence or neglect of work or duties or sleeping on the job.
7. Willful refusal to perform work as directed (insubordination), failure to perform work, and failure to follow a Supervisor's or Manager's directions or instructions.
8. Negligence in observing fire prevention or safety regulations, or failure to report on-the-job injuries or unsafe conditions.
9. Unexcused or excessive absence or tardiness.
10. Unwillingness or inability to maintain professional working relationships with others.
11. Failure to fully cooperate in any Coldwater Creek investigation.
12. Violation of any other commonly accepted reasonable rule or responsible personal conduct, appearance or cleanliness.
13. Inappropriate, obscene, abusive, or degrading language or actions.
14. Giving another employee false or misleading information.
15. Dealing with agents, solicitors, collectors, or sales people not engaged in Coldwater Creek business during working hours, or failure to report their presence on the property to a manager.
16. Utilization of Coldwater Creek facilities or property, including telephones, for personal benefit or convenience.
17. Permitting friends or relatives to use facilities, which are provided for employee's use only, unless otherwise approved and as a part of a company sponsored program.

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18. Abandonment of job or unavailability for work without Coldwater Creek's prior approval of a leave of absence.
19. Falsification of documents or records with or without the intent of deriving personal gain, or being an accessory to such falsification including, without limitation, providing false information in the course of application for employment or in timekeeping processes.
20. The possession or use of firearms, weapons, ammunition or casings and explosive materials on the premises of Coldwater is strictly prohibited.

performance warnings

If an employee does not meet performance expectations, Coldwater Creek's management will bring the performance issues to the attention of the employee. In such circumstances management will make reasonable efforts to assist the employee in improving their job performance. If an employee continues to have unsatisfactory job performance, it will be the responsibility of management to recommend the appropriate disciplinary action.

Some or all of the following guidelines may be used in resolving performance related problems:

- Verbal warnings
- Written warnings
- Suspension without pay
- Termination of employment

Coldwater Creek reserves the right to amend or accelerate the disciplinary process up to and including immediate termination of employment, when Coldwater Creek, through its managerial representatives, determines in its sole discretion that it is necessary or appropriate.

open door

Coldwater Creek realizes that employees may have concerns or questions regarding work-related matters. Our Open Door policy provides a forum for employees and the company in the clarification or resolution of any issues. Employees have the following options available for registering questions, concerns or suggestions:

1. Contact the immediate Supervisor.
2. Contact the next level Manager.
(Retail employees may also contact their respective District, Regional or Director of Retail Operations.)
3. Contact Human Resources.
4. Contact a Vice President of the company.
5. Contact the Employee Hotline at 1-888-480-4747, or write to:
Coldwater Creek Employee Hotline
P.O. Box 1921, Sandpoint, ID 83864
or via email at: employeehotline@thecreek.com.

Contact with the Employee Hotline may be made anonymously, and all communications will be maintained on a confidential basis.

All questions, concerns, investigations and subsequent responses will be maintained as confidential as possible recognizing, however, that in the course of investigating, resolving and communicating, some dissemination of information to other members of management may be necessary.

exit interviews

An exit interview with Human Resources will be scheduled wherever possible for terminating employees (excluding seasonal and temporaries). The exit interview provides the opportunity to discuss such issues as employee relations, working conditions, compensation, benefits, training and the repayment or return of company property.

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Coldwater Creek**Employee Information Form**

Please enter all appropriate information based on the nature of the transaction and email this form immediately to Human Resources. Follow-up with a fax, including the authorized signatures.

CRP
 Social Security No. 416-74-5444 Location No. _____ Timeclock ID _____
 Employee Name Linda L. Beard

Personal Information		Effective Date <u>6-5-04</u>	
Name Change _____	Preferred Name <u>Linda</u>	Date of Birth <u>12-31-49</u>	
Address <u>8305 Grand Oak Court Mtay. AL 36117</u>			
Street/PO Box _____	City _____ State _____	Zip Code _____	
Home Phone <u>(834) 409-9436</u>	Other Phone <u>834-531-0125 cell #</u>		
Marital Status (circle one) Single Married <u>Divorced</u> Widow		Gender: (circle one) Male <u>Female</u>	
Emergency Contact <u>Kim Thompson</u>		Phone Number <u>(834) 395-5366-Hm</u>	
Relationship <u>niece - cell # 868-0845</u>		<u>WK-240-8746 or 834-6000</u>	

Job Status/Compensation Change		Effective Date <u>6/5/04</u>	
Reason for Change: (circle one) <u>New Hire</u> Rehire Merit Increase Promotion Reclassification Reorganization			
Salary Adjustment Salary Reduction Transfer Status Change			
Job Number _____	Job Title <u>part-time associate</u>		
Location <u>184</u> Business _____	Site/Region _____ Chan/Dist _____		
Department _____	Manager/Supervisor _____		
Work Group Number _____			
Employee Type: (circle one) Salary (check autopaid) Full-Time Hourly <u>Part-Time Hourly</u> Temporary On Call			
Seasonal - Indicate Last Day to be Worked _____			
Pay Group: (circle one) HR PT SAL TMP			
Salary	Current Hourly Rate/Salary \$ <u>8.00</u>	Increase/Decrease Amount	\$ _____
	New Hourly Rate/Salary \$ _____	Hourly	Annual
	Training Wage \$ _____	From: _____	To: _____
HR Use Only	Earnings/Deduction Group	Accruals	Direct Deposit <u>ECOMETRY</u> POS

Performance Appraisal		Effective Date _____	
Review Score _____	Next Performance Review Date _____		
	Next Increase Review Date _____		
Review Type: (circle one) Annual Semi-Annual 6-Month 90-Day NP 90-Day NH			

Termination		Effective Date _____	
Reason (circle one):		Eligible for Rehire: (circle one) Yes No	
Quit for Another Job - Non Retail	Quit for Another Job - Retail		
Quit Medical Reasons	Quit Moved out of Area		
Quit No Notice	Quit Personal Reasons		
Quit for School	Termination Exhausted Leave		
Termination Layoff	Termination Policy Violation		
Termination Unsatisfactory Performance	Retired		
Deceased			
HR Use Only	Autopaid	Ecometry	POS Direct Deposit

Employee Signature Linda L. Beard
 :/Supervisor Signature _____
 :/Supervisor Signature _____

Date 6-5-04
 Date 6/4/04
 Date _____

208 2653199

COLDWATER CREEK

10:21:17 a.m.

10-08-2007

2 / 60

Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

Page 1 of 2

SECRET

Home

SECRET

Home | Help | Logout

Timecard for Linda Beard

Signed	No	REG	22.25	NonWk	0.00
Approved	No	OT	0.00	DT	0.00
Pay Freq	Biweekly (Locked)	NIGHT	0.00	Wkend	0.00
Pay Period	05/30/2004-06/12/2004	TOTAL	22.25		
View Other Periods					

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sun 06/06	RG	08:30A	12:15P	01:45P	05:00P	07:00				80184	800
	Tue 06/06	RG	06:00P			09:45P	03:45				80184	800
	Wed 06/09	RG	06:00P			09:30P	03:30				80184	800
	Fri 06/11	RG	01:00P			05:00P	04:00				80184	800
	Sat 06/12	RG	01:00P			05:00P	04:00				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary

	05/30	05/31	06/01	06/02	06/03	06/04	06/05	
06/06	06/07	06/08	06/09	06/10	06/11	06/12		
7.00	3.75	3.50	4.00	4.00	22.25			
						22.25		

top

Time Code Listing

AB	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty
ML	Military Leave	MT	Meeting	NP	No Pay
PT	PTO	RG	Regular Hours	S2	Shift 2 Premium
SK	Sick Pay	TN	Training	TV	Travel Time

http://cdav1appcrdn01/cta660/cta.asp

10/8/2007

208 2653199

COLDWATER CREEK

10:21:37 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Crew's Time & AttendanceHome 

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Timecard for Linda Beard

Signed: No
 Approved: 06/27/2004@1:46PM by Mary Russell
 Pay Freq: BiWeekly (Locked)
 Pay Period: 06/13/2004-06/26/2004 [View Other Periods](#)

REG	OT	NIGHT	TOTAL
37.75	0.00	0.00	37.75

NonWk	DT	Wkend
0.00	0.00	0.00

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Mon 06/14	RG	06:00P			08:30P	02:30				80184	800
	Wed 06/16	RG	01:00P			06:00P	05:00				80184	800
	Fri 06/18	RG	12:00P			05:00P	05:00				80184	800
	Sat 06/19	RG	05:00P			09:45P	04:45				80184	800
	Sun 06/20	RG	01:00P	04:00P	04:30P	06:45P	05:15				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Wed 06/23	RG	03:00P			09:45P	04:45				80184	800
	Thu 06/24	RG	01:00P			06:00P	05:00				80184	800
	Sat 06/26	RG	12:00P	03:00P	03:30P	06:00P	05:30				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary									
06/13	06/14	06/15	06/16	06/17	06/18	06/19			
2.50		5.00		5.00	4.75	17.25			
06/20	06/21	06/22	06/23	06/24	06/25	06/26	5.50	20.50	
5.25		4.75	5.00					37.75	

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Time Code Listing

<http://cdav1apprdn01/cta660/cta.asp>

10/8/2007

208 2653199

COLDWATER CREEK

10:21:59 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Coldwater Creek Time & AttendanceHome 

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Timecard for Linda Beard

Signed	07/10/2004 6:22PM	REG	31.50	NonWk	0.00
Approved	07/12/2004 08:40AM by Mary Russell	OT	5.25	OT	0.00
Pay Freq	Biweekly (Locked)	NIGHT	0.00	WKEND	0.00
Pay Period	06/27/2004-07/10/2004 View Other Periods	TOTAL	36.75		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sun 06/27	RG	01:00P	03:30P	04:00P	06:15P	04:45				80184	800
	Mon 06/28	RG	12:00P			06:15P	06:15				80184	800
	Wed 06/30	RG	06:15P			10:15P	04:00				80184	800
	Sat 07/03	RG	12:00P			05:30P	05:30				80184	800
	Sun 07/04	NP	12:00A			08:00A	08:00				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sun 07/04	RG	01:00P			06:15P	05:15				80184	800
	Fri 07/09	RG	12:00P			06:00P	06:00				80184	800
	Sat 07/10	RG	01:15P			06:15P	05:00				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary						
06/27	06/28	06/29	06/30	07/01	07/02	07/03
4.75	6.25		4.00		5.50	20.50
07/04	07/05	07/06	07/07	07/08	07/09	07/10
13.25				6.00	5.00	24.25
						44.75

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Time Code Listing

<http://cdav1appperdn01/cta660/cta.asp>

10/8/2007

208 2653199

COLDWATER CREEK

10:22:21 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Consolidated Times & AttendanceHome 

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Timecard for Linda Beard

Signed	07/24/2004 9:40PM	REG	10.25	NonWk	0.00
Approved	07/26/2004@12:23PM by Mary Russell	OT	0.00	OT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	WKEND	0.00
Pay Period	07/11/2004-07/24/2004 View Other Periods	TOTAL	10.25		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sun 07/11	RG	01:15P			06:30P	05:15				80184	800
	Sat 07/24	RG	04:45P			09:45P	05:00				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary									
07/11	07/12	07/13	07/14	07/15	07/16	07/17			
5.25						5.25			
07/18	07/19	07/20	07/21	07/22	07/23	07/24			
					5.00	5.00			
						10.25			

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Time Code Listing									
AB	Absence	AD	Admin Leave	DS	Disability				
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty				
ML	Military Leave	MT	Meeting	NP	No Pay				
PT	PTO	RG	Regular Hours	SZ	Shift 2 Premium				
SK	Sick Pay	TN	Training	TV	Travel Time				
VA	Vacation Pay								

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10/8/2007

208 2653199

COLDWATER CREEK

10:22:40 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Coldwater Creek Time & Attendance[Home](#)[Home](#) | [Help](#) | [Logout](#)**Timecard for Linda Beard**

Signed	No	REG	10.00	NonWk	0.00
Approved	08/08/2004@11:47AM by Mary Russell	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	Wkend	0.00
Pay Period	07/25/2004-08/07/2004 View Other Periods	TOTAL	10.00		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: [Printable](#) [Return to Approval Timecard](#)

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorita Set	COMP	DEPT	JOB
	Sat 07/31	RG	06:00P			09:30P	03:30				80184	800
	Mon 08/02	RG	06:00P			09:15P	03:15				80184	800
	Wed 08/04	RG	06:00P			09:15P	03:15				80184	800

Operations: [Printable](#) [Return to Approval Timecard](#)

Daily Hours Summary						
07/25	07/26	07/27	07/28	07/29	07/30	07/31
					3.50	3.50
08/01	08/02	08/03	08/04	08/05	08/06	08/07
	3.25		3.25			6.50
						10.00

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Time Code Listing					
AB	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty
ML	Military Leave	MT	Meeting	NP	No Pay
PT	PTO	RG	Regular Hours	S2	Shift 2 Premium
SK	Sick Pay	TN	Training	TV	Travel Time
VA	Vacation Pay				

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10/8/2007

208 2653199

COLDWATER CREEK

10:22:59 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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CERTIFIED TIME & ATTENDANCEHome 

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Timecard for Linda Beard

Signed	No	REG	18.00	NonWk	0.00
Approved	08/23/2004@9:56AM by Mary Russell	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	WEEKEND	0.00
Pay Period	08/08/2004-08/21/2004 View Other Periods	TOTAL	18.00		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Fri 08/13	RG	06:15P			08:15P	03:00				80184	800
	Sat 08/14	RG	01:00P			05:00P	04:00				80184	800
	Sun 08/15	RG	01:00P			03:30P	02:30				80184	800
	Fri 08/20	RG	02:15P			06:45P	04:30				80184	800
	Sat 08/21	RG	03:00P			07:00P	04:00				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary						
08/08	08/09	08/10	08/11	08/12	08/13	08/14
					3.00	4.00
08/15	08/16	08/17	08/18	08/19	08/20	08/21
2.50				4.50	4.00	11.00
						18.00

top 

Time Code Listing					
AB	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty
ML	Military Leave	MT	Meeling	NP	No Pay
PT	PTO	RG	Regular Hours	SZ	Shift 2 Premium
SK	Sick Pay	TN	Training	TV	Travel Time

http://cdav1appcrdn01/cra660/cta.asp

10/8/2007

208 2653199

COLDWATER CREEK

10:23:20 a.m. 10-08-2007

8 /60

Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Operations: Printable Return to Approval Timecard

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Timecard for Linda Beard

Signed	No	REG	8.75	NonWk	0.00
Approved	09/06/2004@11:28AM by Mary Russell	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	WKEND	0.00
Pay Period	08/22/2004-09/04/2004 View Other Periods	TOTAL	8.75		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sat 08/28	RG	01:30P			06:30P	05:00				80164	800
	Sat 09/04	RG	02:15P			06:00P	03:45				80164	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary							
08/22	08/23	08/24	08/25	08/26	08/27	08/28	
						5.00	5.00
08/29	08/30	08/31	09/01	09/02	09/03	09/04	
						3.75	3.75
							8.75

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Time Code Listing			
AB	Absence	AD	Admin Leave
DS	Disability	FN	Funeral Pay
HP	Holiday Pay	JD	Jury Duty
ML	Military Leave	MT	Meeting
NP	No Pay	PT	PTO
RG	Regular Hours	S2	Shift 2 Premium
SK	Sick Pay	TN	Training
TV	Travel Time	VA	Vacation Pay

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10/8/2007

208 2653199

COLDWATER CREEK

10:23:42 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Ceridian Time & Attendance[Home](#)[Home](#) | [Help](#) | [Logout](#)**Timecard for Linda Beard**

Signed	No	REG	3.75	NonWk	0.00
Approved	09/20/2004@10:20AM by Mary Russell	OT	0.00	DT	0.00
Pay Freq	Biweekly (Locked)	NIGHT	0.00	WKEND	0.00
Pay Period	09/08/2004-09/18/2004 View Other Periods	TOTAL	3.75		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Mon 09/06	NP	12:00A			08:00A	08:00				80184	800
	Sat 09/11	RG	01:00P			04:45P	03:45				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary									
09/05	09/06	09/07	09/08	09/09	09/10	09/11			
	8.00				3.75	11.75			
09/12	09/13	09/14	09/15	09/16	09/17	09/18			
						11.75			

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Time Code Listing							
AB	Absence	AD	Admin Leave	DS	Disability		
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty		
ML	Military Leave	MT	Meeting	NP	No Pay		
PT	PTO	RG	Regular Hours	S2	Shift 2 Premium		
SK	Sick Pay	TN	Training	TV	Travel Time		
VA	Vacation Pay						

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10/8/2007

208 2653199

COLDWATER CREEK

10:24:01 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Cardian Time & Attendance[Home](#) [-](#)[Home](#) | [Help](#) | [Logout](#)**Timecard for Linda Beard**

Signed	No	REG	7.75	NonWk	0.00
Approved	10/04/2004@10:00AM by Mary Russell	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	Wkend	0.00
Pay Period	09/19/2004-10/02/2004 View Other Periods	TOTAL	7.75		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: [Printable](#) [Return to Approval Timecard](#)

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Fri 09/24	RG	06:15P			09:15P	03:00				80184	800
	Sat 10/02	RG	02:15P			07:00P	04:45				80184	800

Operations: [Printable](#) [Return to Approval Timecard](#)

Daily Hours Summary				
09/19	09/20	09/21	09/22	09/23
				3.00
09/26	09/27	09/28	09/29	09/30
				10/01
				10/02
				4.75
				4.75
				7.75

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Time Code Listing					
AB	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty
ML	Military Leave	MT	Meeting	NP	No Pay
PT	PTO	RG	Regular Hours	S2	Shift 2 Premium
SK	Sick Pay	TN	Training	TV	Travel Time
VA	Vacation Pay				

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10/8/2007

208 2653199

COLDWATER CREEK

10:24:22 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Downloaded by Jennifer Flynn

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CREATION

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Timecard for Linda Beard

Signed: 10/16/2004 7:08PM
 Approved: 10/18/2004@10:09AM by Mary Russell
 Pay Freq: Biweekly (Locked)
 Pay Period: 10/03/2004-10/16/2004 View Other Periods

REG	OT	NIGHT	TOTAL	NonWk	DT	Wkend
15.75	0.00	0.00	15.75	0.00	0.00	0.00

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Thu 10/07	RG	06:00P			09:15P	03:15				80184	800
	Fri 10/08	RG	06:00P			09:30P	03:30				80184	800
	Sat 10/09	RG	02:15P			07:00P	04:45				80184	800
	Sat 10/16	RG	02:45P			07:00P	04:15				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary						
10/03	10/04	10/05	10/06	10/07	10/08	10/09
			3.25	3.50	4.75	11.50
10/10	10/11	10/12	10/13	10/14	10/15	10/16
					4.25	4.25
						15.75

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Time Code Listing			
AB	Absence	AD	Admin Leave
AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay
HP	Holiday Pay	JD	Jury Duty
ML	Military Leave	MT	Meeting
MT	Meeting	NP	No Pay
PT	PTO	RG	Regular Hours
RG	Regular Hours	S2	Shift 2 Premium
SK	Sick Pay	TN	Training
TN	Training	TV	Travel Time
VA	Vacation Pay		

http://cdav1appcrdn01/cra660/cra.asp

10/8/2007

208 2653199

COLDWATER CREEK

10:24:45 a.m.

10-08-2007

12/60

Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Certification Times & Attendance[Home](#) [-](#)[Home](#) | [Help](#) | [Logout](#)**Timecard for Linda Beard**

Signed	NO	REG	17.25	NonWk	0.00
Approved	11/01/2004@9:19AM by Mary Russell	OT	0.00	DT	0.00
Pay Freq	Biweekly (Locked)	NIGHT	0.00	Wkend	0.00
Pay Period	10/17/2004-10/30/2004 View Other Periods	TOTAL	17.25		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: [Printable](#) [Return to Approval Timecard](#)

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sat 10/23	RG	02:15P			05:15P	03:00				80184	800
	Wed 10/27	RG	06:00P			09:00P	03:00				80184	800
	Fri 10/29	RG	01:00P			06:15P	05:15				80184	800
	Sat 10/30	RG	03:00P	05:30P	06:00P	09:30P	06:00				80184	800

Operations: [Printable](#) [Return to Approval Timecard](#)

Daily Hours Summary						
10/17	10/18	10/19	10/20	10/21	10/22	10/23
					3.00	3.00
10/24	10/25	10/26	10/27	10/28	10/29	10/30
		3.00	5.25	6.00	14.25	
						17.25

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Time Code Listing			
AB	Absence	AD	Admin Leave
DS	Disability		
FN	Funeral Pay	HP	Holiday Pay
JD	Jury Duty		
ML	Military Leave	MT	Meeting
NP	No Pay		
PT	PTO	RG	Regular Hours
SZ	Shift 2 Premium		
SK	Sick Pay	TN	Training
TV	Travel Time		
VA	Vacation Pay		

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10/8/2007

208 2653199

COLDWATER CREEK

10:25:05 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Correction Times & AttendanceHome 

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Timecard for Linda Beard

Signed	NO	REG	34.50	NonWk	0.00
Approved	11/15/2004@9:24AM by Jennifer Friday	OT	0.00	DT	0.00
Pay Freq	Biweekly (Locked)	NIGHT	0.00	WEEKEND	0.00
Pay Period	10/31/2004-11/3/2004 View Other Periods	TOTAL	34.50		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Mon 11/01	RG	01:00P			06:00P	05:00				80184	800
	Thu 11/04	RG	12:00P			04:00P	04:00				80184	800
	Fri 11/05	RG	12:00P			04:00P	04:00				80184	800
	Sat 11/06	RG	01:15P			05:00P	03:45				80184	800
	Sun 11/07	RG	07:00P			09:00P	02:00				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Thu 11/11	RG	03:15P			08:30P	06:15				80184	800
	Fri 11/12	RG	05:00P			08:15P	04:15				80184	800
	Sat 11/13	RG	12:00P			05:15P	05:15				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary						
10/31	11/01	11/02	11/03	11/04	11/05	11/06
5.00			4.00	4.00	3.75	16.75
11/07	11/08	11/09	11/10	11/11	11/12	11/13
2.00			6.25	4.25	5.25	17.75
						34.50

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Time Code Listing

<http://cdav1appcrdn01/cta660/cta.asp>

10/8/2007

208 2653199

COLDWATER CREEK


10:25:26 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Timecard for Linda Beard

Signed	No	REG	27.00	NonWk	0.00
Approved	No	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	WEEKEND	0.00
Pay Period	11/14/2004-11/27/2004	TOTAL	27.00		
View Other Periods					

[Timecard](#) | [Transactions](#) | [Schedule](#) | [Accruals](#) | [Notes](#) | [Audit](#) | [Profile](#)
[Operations:](#) [Printable](#) [Return to Approval Timecard](#)

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sun 11/14	RG	08:00P			08:45P	02:45				80184	800
	Mon 11/15	RG	01:00P			06:00P	05:00				80184	800
	Sat 11/20	RG	06:15P			09:15P	03:00				80184	800
	Sun 11/21	RG	06:30P			08:00P	01:30				80184	800
	Mon 11/22	RG	01:15P			06:00P	04:45				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Thu 11/25	NP	12:00A			08:00A	08:00				80184	800
	Fri 11/26	RG	12:45P	04:45P	05:15P	08:00P	06:45				80184	800
	Sat 11/27	RG	06:00P			09:15P	03:15				80184	800

[Operations:](#) [Printable](#) [Return to Approval Timecard](#)

Daily Hours Summary											
11/14	11/15	11/16	11/17	11/18	11/19	11/20					
2.75	5.00				3.00	10.75					
11/21	11/22	11/23	11/24	11/25	11/26	11/27					
1.50	4.75		8.00	6.75	3.25	24.25					
						35.00					

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Time Code Listing

<http://cdav1upperdn01/cta660/cta.asp>

10/8/2007

208 2653199

COLDWATER CREEK

10:25:48 a.m.

10-08-2007

15 /60

Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Coldwater CreekHome **CERTIFICATION**

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Timecard for Linda Beard

Signed	No	REG	32.00	NonWk	0.00
Approved	12/13/2004@9:54AM by Mary Russell	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	WkEND	0.00
Pay Period	11/28/2004-12/11/2004 View Other Periods	TOTAL	32.00		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sun 11/28	RG	01:15P			06:00P	04:45				80184	800
	Wed 12/01	RG	02:00P			06:00P	04:00				80184	800
	Thu 12/02	RG	02:30P			06:15P	03:45				80184	800
	Fri 12/03	RG	06:15P			10:00P	03:45				80184	800
	Sat 12/04	RG	02:15P			06:15P	04:00				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sun 12/05	RG	02:00P			04:30P	02:30				80184	800
	Fri 12/10	RG	05:15P			10:00P	04:45				80184	800
	Sat 12/11	RG	02:00P			06:30P	04:30				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary												
11/28	11/29	11/30	12/01	12/02	12/03	12/04						
4.75			4.00	3.75	3.75	4.00	20.25					
12/05	12/06	12/07	12/08	12/09	12/10	12/11						
2.50			4.75	4.50	11.75							
						32.00						

top 

Time Code Listing												

<http://cdav1apprdn01/cta660/cta.asp>

10/8/2007

208 2653199

COLDWATER CREEK

10:26:09 a.m.

10-08-2007

16 /60

Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Jennifer Flynn's Time & AttendanceHome 

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Timecard for Linda Beard

Signed	No	REG	15.25	NonWk	0.00
Approved	No	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked) ADJUST TIMECARD	NIGHT	0.00	Wkend	0.00
Pay Period	12/12/2004-12/25/2004 View Other Periods	TOTAL	15.25		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Mon 12/13	RG	06:15P			08:00P	01:45				80184	800
	Sat 12/18	RG	02:15P	05:45P	06:30P	08:30P	05:30				80184	800
	Sun 12/19	RG	03:15P			08:15P	05:00				80184	800
	Mon 12/20	RG	03:00P			06:00P	03:00				80184	800
	Sat 12/25	NP	12:00A			08:00A	08:00				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary									
12/12	12/13	12/14	12/15	12/16	12/17	12/18			
	1.75					5.50	7.25		
12/19	12/20	12/21	12/22	12/23	12/24	12/25			
5.00	3.00				8.00	16.00			
							23.25		

top 

Time Code Listing					
AB	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty
ML	Military Leave	MT	Meeting	NP	No Pay
PT	PTO	RG	Regular Hours	S2	Shift 2 Premium
SK	Sick Pay	TN	Training	TV	Travel Time

http://cdav1appcrdn01/cta660/cta.asp

10/8/2007

208 2653199

COLDWATER CREEK

10:26:30 a.m.

10-08-2007

17 /60

Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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CERTIFICATION OF WORKER'S COMPENSATION[Home](#)[Home](#) | [Help](#) | [Logout](#)**Timecard for Linda Beard**

Signed	No	REG	17.75	NonWk	0.00
Approved	No	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	Wkend	0.00
Pay Period	12/26/2004-01/08/2005	TOTAL	17.75		
View Other Periods					

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: [Printable](#) [Return to Approval Timecard](#)

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sun 12/26	RG	01:00P			06:00P	05:00				80184	800
	Sat 01/01	NP	12:00A			08:00A	08:00				80184	800
	Sun 01/02	RG	01:15P			06:00P	04:45				80184	800
	Wed 01/05	RG	02:15P			06:00P	03:45				80184	800
	Thu 01/06	RG	02:00P			06:15P	04:15				80184	800

Operations: [Printable](#) [Return to Approval Timecard](#)

Daily Hours Summary									
12/26	12/27	12/28	12/29	12/30	12/31	01/01			
5.00						8.00	13.00		
01/02	01/03	01/04	01/05	01/06	01/07	01/08			
4.75			3.75	4.25			12.75		
									25.75

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Time Code Listing									
AB	Absence	AD	Admin Leave	DS	Disability				
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty				
ML	Military Leave	MT	Meeting	NP	No Pay				
PT	PTO	RG	Regular Hours	S2	Shift 2 Premium				
SK	Sick Pay	TN	Training	TV	Travel Time				

<http://cdav1appperdn01/cita660/cita.asp>

10/8/2007

208 2653199

COLDWATER CREEK

10:26:50 a.m.

10-08-2007

18 / 60

Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Timecard for Linda Beard


Signed	No	REG	10.50	NonWk	0.00
Approved	01/24/2005@9:47AM by Mary Russell	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	WKEND	0.00
Pay Period	01/09/2005-01/22/2005 View Other Periods	TOTAL	10.50		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: [Printable](#) [Return to Approval Timecard](#)

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sat 01/15	RG	01:15P			04:00P	02:45				80184	800
	Mon 01/17	RG	02:15P			06:00P	03:45				80184	800
	Tue 01/18	RG	02:15P			06:15P	04:00				80184	800

Operations: [Printable](#) [Return to Approval Timecard](#)

Daily Hours Summary							
01/09	01/10	01/11	01/12	01/13	01/14	01/15	
						2.75	2.75
01/16	01/17	01/18	01/19	01/20	01/21	01/22	
	3.75	4.00					7.75
							10.50
top 							

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Time Code Listing					
AB	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty
ML	Military Leave	MT	Meeting	NP	No Pay
PT	PTO	RG	Regular Hours	SZ	Shift 2 Premium
SK	Sick Pay	TN	Training	TV	Travel Time
VA	Vacation Pay				

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208 2653199

COLDWATER CREEK

10:27:09 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Timecard for Linda Beard

Signed	No	REG	12.00	NonWk	0.00
Approved	02/07/2005@9:14AM by Mary Russell	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	WKEND	0.00
Pay Period	01/23/2005-02/05/2005 View Other Periods	TOTAL	12.00		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Tue 01/25	RG	02:00P			06:00P	04:00				80184	800
	Tue 02/01	RG	02:00P			06:15P	04:15				80184	800
	Sat 02/05	RG	04:15P			08:00P	03:45				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary						
01/23	01/24	01/25	01/26	01/27	01/28	01/29
		4.00				4.00
01/30	01/31	02/01	02/02	02/03	02/04	02/05
		4.25			3.75	8.00
						12.00

top

Time Code Listing			
AB	Absence	AD	Admin Leave
DS	Disability	HP	Holiday Pay
JN	Jury Duty	JD	Jury Duty
ML	Military Leave	MT	Meeting
NP	No Pay	PT	PTO
RG	Regular Hours	S2	Shift 2 Premium
SK	Sick Pay	TN	Training
TV	Travel Time	VA	Vacation Pay

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http://cdav1appcrdn01/cta660/cta.asp

10/8/2007

208 2653199

COLDWATER CREEK

10:27:31 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Operations | Transactions | Schedule | Accruals | Notes | Audit | Profile[Home](#)[Home](#) | [Help](#) | [Logout](#)**Timecard for Linda Beard**

Signed	No	REG	13.00	NonWk	0.00
Approved	02/21/2005@8:04AM by Mary Russell	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	WkEND	0.00
Pay Period	02/06/2005-02/19/2005 View Other Periods	TOTAL	13.00		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sun 02/06	RG	01:00P			04:00P	03:00				80164	800
	Thu 02/10	RG	01:15P			06:30P	05:15				80164	800
	Sat 02/12	RG	01:00P			05:45P	04:45				80164	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary					
02/06	02/07	02/08	02/09	02/10	02/12
3.00			5.25		4.75
02/13	02/14	02/15	02/16	02/17	02/18
					13.00

top

Time Code Listing					
AB	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty
ML	Military Leave	MT	Meeting	NP	No Pay
PT	PTO	RG	Regular Hours	S2	Shift 2 Premium
SK	Sick Pay	TN	Training	TV	Travel Time
VA	Vacation Pay				

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208 2653199

COLDWATER CREEK

10:27:51 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Timecard for Linda Beard

Signed	No	REG	9.50	NonWk	0.00
Approved	03/07/2005@10:20AM by Mary Russell	OT	0.00	DT	0.00
Pay Freq	Biweekly (Locked)	NIGHT	0.00	WEEKEND	0.00
Pay Period	02/20/2005-03/05/2005 View Other Periods	TOTAL	9.50		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sat 02/26	RG	01:00P			06:00P	05:00				80184	800
	Sun 02/27	RG	06:15P			06:45P	00:30				80184	800
	Sat 03/05	RG	01:00P			05:00P	04:00				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary						
02/20	02/21	02/22	02/23	02/24	02/25	02/26
					5.00	5.00
02/27	02/28	03/01	03/02	03/03	03/04	03/05
0.50					4.00	4.50
						9.50

top

Time Code Listing					
AB	Admence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty
ML	Military Leave	MT	Meeting	NP	No Pay
PT	PTO	RG	Regular Hours	SZ	Shift 2 Premium
SK	Sick Pay	TN	Training	TV	Travel Time
VA	Vacation Pay				

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WILLIAM H. WILSON & SONS

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Timecard for Linda Beard

Signed	No	REG	3.25	NonWk	0.00
Approved	03/21/2005@9:51AM by Mary Russell	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	Wkend	0.00
Pay Period	03/06/2005-03/19/2005 View Other Periods	TOTAL	3.25		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sat 03/12	RG	03:00P			06:15P	03:15				80184	800

Operations: Printable Return to Approval Timescard

Daily Hours Summary							
03/06	03/07	03/08	03/09	03/10	03/11	03/12	
						3.25	3.25
03/13	03/14	03/15	03/16	03/17	03/18	03/19	
							3.25
							top

Time Code Listing					
AB	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty
ML	Military Leave	MT	Meeting	NP	No Pay
PT	PTO	RG	Regular Hours	S2	Shift 2 Premium
SK	Sick Pay	TN	Training	TV	Travel Time
VA	Vacation Pay				

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10/8/2007

208 2653199

COLDWATER CREEK

10:28:28 a.m.

10-08-2007

23 /60

Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Government of Washington & Associates
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Timecard for Linda Beard

Signed No
 Approved 04/04/2005@10:51AM by Mary Russell
 Pay Freq Biweekly (Locked)
 Pay Period 03/20/2005-04/02/2005 [View Other Periods](#)

	REG	OT	NIGHT	TOTAL	NonWk	DT	WKEND
	10.00	0.00	0.00	10.00	0.00	0.00	0.00

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: [Printable](#) [Return to Approval Timecard](#)

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Thu 03/24	RG	01:00P			05:30P	04:30				80184	800
	Wed 03/30	RG	02:00P			05:00P	03:00				80184	800
	Fri 04/01	RG	02:30P			05:00P	02:30				80184	800

Operations: [Printable](#) [Return to Approval Timecard](#)

Daily Hours Summary						
03/20	03/21	03/22	03/23	03/24	03/25	03/26
			4.50			4.50
03/27	03/28	03/29	03/30	03/31	04/01	04/02
		3.00		2.50		5.50
						10.00

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Time Code Listing			
AB	Absence	AD	Admin Leave
DS	Disability	HP	Holiday Pay
JD	Jury Duty	MT	Meeting
NP	No Pay	RG	Regular Hours
PT	PTO	SN	Shift 2 Premium
SK	Sick Pay	TV	Travel Time
VA	Vacation Pay		

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10/8/2007

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

LINDA BEARD,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.:
v.)	
)	2:07-CV-790-MNT
COLDWATER CREEK, INC.,)	
)	
Defendant.)	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

**PLAINTIFF LINDA BEARD'S
FEBRUARY 1, 2008 DEPOSITION
PART 3 OF 3**

208 2653199

COLDWATER CREEK

10:28:48 a.m.

10-08-2007

24 /60

Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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 Caldwell County Sheriff's Office[Home](#) CALDWELL COUNTY SHERIFF'S OFFICE[Home](#) | [Help](#) | [Logout](#)

Timecard for Linda Beard

Signed	No	REG	4.25	NonWk	0.00
Approved	04/18/2005@10:10AM by Mary Russell	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	WKEND	0.00
Pay Period	04/03/2005-04/18/2005 View Other Periods	TOTAL	4.25		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sat 04/09	RG	01:00P			05:15P	04:15				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary									
04/03	04/04	04/05	04/06	04/07	04/08	04/09	4.25	4.25	
04/10	04/11	04/12	04/13	04/14	04/15	04/16			
							4.25		

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Time Code Listing									
AB	Absence	AD	Admin Leave	DS	Disability				
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty				
ML	Military Leave	MT	Meeting	NP	No Pay				
PT	PTO	RG	Regular Hours	S2	Shift 2 Premium				
SK	Sick Pay	TN	Training	TV	Travel Time				
VA	Vacation Pay								

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10/8/2007

208 2653199

COLDWATER CREEK

10:29:06 a.m.

10-08-2007

25 /60

Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Timecard for Linda Beard

Signed	No	REG	0.00	NonWk	0.00
Approved	05/02/2005@10:12AM by Mary Russell	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	WKEND	0.00
Pay Period	04/17/2005-04/30/2005 View Other Periods	TOTAL	0.00		

[Timecard](#) | [Transactions](#) | [Schedule](#) | [Accruals](#) | [Notes](#) | [Audit](#) | [Profile](#)

[Operations: Unapprove Timecard](#) | [Printable](#) | [Return to Approval Timecard](#)

Del	Date	Time	Source	Type	Time Code	Hours	LD	Favorite Set	COMP	DEPT	JOB
-----	------	------	--------	------	-----------	-------	----	--------------	------	------	-----

[Operations: Unapprove Timecard](#) | [Printable](#) | [Return to Approval Timecard](#)

Time Code Listing	
AB Absence	AD Admin Leave
FN Funeral Pay	HP Holiday Pay
ML Military Leave	MT Meeting
PT PTO	RG Regular Hours
SK Sick Pay	TN Training
VA Vacation Pay	TV Travel Time

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Transaction Time and Type Code Listing	
A = Audit	Indicates that the transaction was modified or initially created by a user
M = Manual	Indicates that the transaction type was manually determined (not a Fast Swipe), not analyzed by the system
T = Transfer	Indicates that the transaction type is a transfer, which will create an Out and In time on the timecard

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<http://cdav1.apprdn01.cta660.cta.asp?RequestID=Timecard&PayPeriod=27513&PayPeriodSysID=1&Employee=63665&sid=0...> 10/8/2007

208 2653199

COLDWATER CREEK

10:29:30 a.m.

10-08-2007

26 /60

Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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[Home](#)[Home](#) | [Help](#) | [Logout](#)**Timecard for Linda Beard**

Signed	No	REG	8.25	NonWk	0.00
Approved	05/18/2005@8:12AM by Mary Russell	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	WKEND	0.00
Pay Period	05/01/2005-05/14/2005 View Other Periods	TOTAL	8.25		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: [Printable](#) [Return to Approval Timecard](#)

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sun 05/08	RG	02:00P			06:30P	04:30				80184	800
	Thu 05/12	RG	01:15P			05:00P	03:45				80184	800

Operations: [Printable](#) [Return to Approval Timecard](#)

Daily Hours Summary						
05/01	05/02	05/03	05/04	05/05	05/06	05/07
05/08	05/09	05/10	05/11	05/12	05/13	05/14
4.50			3.75			8.25
						8.25

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Time Code Listing					
AB	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty
ML	Military Leave	MT	Meeling	NP	No Pay
PT	PTO	RG	Regular Hours	S2	Shift 2 Premium
SK	Sick Pay	TN	Training	TV	Travel Time
VA	Vacation Pay				

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10/8/2007

208 2653199

COLDWATER CREEK

10:29:48 a.m.

10-08-2007

27 /60

Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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CWC Timecard History

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Timecard for Linda Beard

Signed	No	REG	19.00	NonWk	0.00
Approved	05/30/2005@10:04AM by Mary Russell	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	WKEND	0.00
Pay Period	05/15/2005-05/28/2005 View Other Periods	TOTAL	19.00		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Sel	COMP	DEPT	JOB
	Wed 05/18	RG	01:00P			05:00P	04:00				80184	800
	Sat 05/21	RG	01:30P			06:15P	04:45				80184	800
	Sun 05/22	RG	02:30P			06:30P	04:00				80184	800
	Mon 05/23	RG	02:15P			05:00P	02:45				80184	800
	Fri 05/27	RG	01:30P			05:00P	03:30				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary						
05/15	05/16	05/17	05/18	05/19	05/20	05/21
		4.00			4.75	8.75
05/22	05/23	05/24	05/25	05/26	05/27	05/28
4.00	2.75		3.50			10.25
						19.00

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Time Code Listing					
AB	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty
ML	Military Leave	MT	Meeting	NP	No Pay
PT	PTO	RG	Regular Hours	S2	Shift 2 Premium
SK	Sick Pay	TN	Training	TV	Travel Time

http://cdav1appcrdn01/cta660/cta.asp

10/8/2007

208 2653199

COLDWATER CREEK

10:30:09 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Timecard for Linda Beard

Signed: No	REG	0.00	NonWk	0.00
Approved: 08/13/2005@11:27AM by Mary Russell	OT	4.00	DT	0.00
Pay Freq: BiWeekly (Locked)	NIGHT	0.00	WKEND	0.00
Pay Period: 05/29/2005-06/11/2005 View Other Periods	TOTAL	4.00		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: Unapprove Timecard Printable Return to Approval Timecard

Del	Date	Time	Source	Type	Time Code	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Mon 05/30	12:00A	AUTOG	Manual TC M	NP	08:00					
	Mon 05/30	02:16P	WBCLK	In							
	Mon 05/30	06:12P	WBCLK	Out							

Operations: Unapprove Timecard Printable Return to Approval Timecard

Time Code Listing			
AB Absence	AD Admin Leave	DS Disability	
FN Funeral Pay	HP Holiday Pay	JD Jury Duty	
ML Military Leave	MT Meeting	NP No Pay	
PT PTO	RG Regular Hours	S2 Shift 2 Premium	
SK Sick Pay	TN Training	TV Travel Time	
VA Vacation Pay			

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Transaction Time and Type Code Listing	
A = Audit	Indicates that the transaction was modified or initially created by a user
M = Manual	Indicates that the transaction type was manually determined (not a Fast Swipe), not analyzed by the system
T = Transfer	Indicates that the transaction type is a transfer, which will create an Out and In time on the timecard

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208 2653199

COLDWATER CREEK

10:30:32 a.m.

10-08-2007

29 /60

Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Timecard for Linda Beard

Signed	No	REG	17.25	NonWk	0.00
Approved	No	OT	0.00	DT	0.00
Pay Freq	Biweekly (Locked)	NIGHT	0.00	Wkend	0.00
Pay Period	06/12/2005-06/25/2005	TOTAL	17.25		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: [Printable](#) [Return to Approval](#) [Timecard](#)

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Wed 06/15	RG	02:15P			06:45P	04:30				80184	800
	Sat 06/18	RG	01:00P			07:00P	06:00				80184	800
	Sun 06/19	RG	02:15P			06:15P	04:00				80184	800
	Sat 06/25	RG	06:30P			09:15P	02:45				80184	800

Operations: [Printable](#) [Return to Approval](#) [Timecard](#)

Daily Hours Summary						
06/12	06/13	06/14	06/15	06/16	06/17	06/18
			4.50		6.00	10.50
06/19	06/20	06/21	06/22	06/23	06/24	06/25
4.00					2.75	6.75
						17.25

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Time Code Listing			
AB	Absence	AD	Admin Leave
DS	Disability	HP	Holiday Pay
JN	Jury Duty	MT	Meeting
NP	No Pay	RG	Regular Hours
S2	Shift 2 Premium	TN	Training
TV	Travel Time		
VA	Vacation Pay		

<http://cdav1appcrdn01/cta660/cta.asp>

10/8/2007

208 2653199

COLDWATER CREEK

10:30:52 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Operations: Printable Return to Approval Timecard

Timecard for Linda Beard

Signed No
Approved 07/11/2005 06:01AM by Ronald Shimanek
Pay Freq Biweekly (Locked)
Pay Period 06/26/2005-07/09/2005 View Other Periods

REG	5.75	NonWk	0.00
OT	5.00	DT	0.00
NIGHT	0.00	WEEKEND	0.00
TOTAL	10.75		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sun 06/26	RG	06:00P			07:45P	01:45				80184	800
	Mon 07/04	NP	12:00A			08:00A	08:00				80184	800
	Mon 07/04	RG	01:15P			06:15P	05:00				80184	800
	Fri 07/08	RG	01:15P			05:15P	04:00				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary					
06/26	06/27	06/28	06/29	06/30	07/01
1.75					1.75
07/03	07/04	07/05	07/06	07/07	07/08
13.00			4.00		17.00
					18.75

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Time Code Listing					
AB	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty
ML	Military Leave	MT	Meeting	NP	No Pay
PT	PTO	RG	Regular Hours	S2	Shift 2 Premium
SK	Sick Pay	TN	Training	TV	Travel Time
VA	Vacation Pay				

http://cdav1appcrdn01/cta660/cta.asp

10/8/2007

208 2653199

COLDWATER CREEK

10:31:12 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Jennifer Flynn
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Timecard for Linda Beard

Signed No
Approved 07/24/2005@4:43PM by Dianne Milligan
Pay Freq Biweekly (Locked)
Pay Period 07/10/2005-07/23/2005 [View Other Periods](#)

REG	22.75	NonWk	0.00
OT	0.00	DT	0.00
NIGHT	0.00	WEEKEND	0.00
TOTAL	22.75		

[Timecard](#) | [Transactions](#) | [Schedule](#) | [Accruals](#) | [Notes](#) | [Audit](#) | [Profile](#)
[Operations: Printable](#) [Return to Approval Timecard](#)

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sat 07/16	RG	06:15P			09:30P	03:15				80184	800
	Thu 07/21	RG	01:15P			05:00P	03:45				80184	800
	Fri 07/22	RG	01:30P	05:15P	06:15P	09:15P	06:45				80184	800
	Sat 07/23	RG	01:15P	04:30P	05:30P	11:15P	09:00				80184	800

[Operations: Printable](#) [Return to Approval Timecard](#)

Daily Hours Summary						
07/10	07/11	07/12	07/13	07/14	07/15	07/16
					3.25	3.25
07/17	07/18	07/19	07/20	07/21	07/22	07/23
			3.75	6.75	9.00	19.50
						22.75

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Time Code Listing					
AB	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty
ML	Military Leave	MT	Meeting	NP	No Pay
PT	PTO	RG	Regular Hours	S2	Shift 2 Premium
SK	Sick Pay	TN	Training	TV	Travel Time
VA	Vacation Pay				

208 2653199

COLDWATER CREEK

10:31:32 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Timecard for Linda Beard

Signed No	08/07/2005@6:10PM by Dianne Millican	REG	25.00	NonWk	0.00
Approved Pay Freq	BiWeekly (Locked)	OT	0.00	DT	0.00
Pay Period	07/24/2005-08/06/2005 View Other Periods	NIGHT	0.00	Wkend	0.00
		TOTAL	25.00		

[Timecard](#) | [Transactions](#) | [Schedule](#) | [Accruals](#) | [Notes](#) | [Audit](#) | [Profile](#)
[Operations: Printable](#) | [Return to Approval Timecard](#)

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Fri 07/29	RG	01:45P			06:00P	04:15				80184	800
	Tue 08/02	RG	01:15P			05:15P	04:00				80184	800
	Tue 08/02	RG	10:15P			12:00A	01:45				80184	800
	Thu 08/04	RG	02:15P			05:30P	03:15				80184	800
	Fri 08/05	RG	01:15P			05:15P	04:00				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sat 08/06	RG	01:00P	03:45P	05:15P	10:15P	07:45				80184	800

[Operations: Printable](#) | [Return to Approval Timecard](#)

Daily Hours Summary						
07/24	07/25	07/26	07/27	07/28	07/29	07/30
				4.25		4.25
07/31	08/01	08/02	08/03	08/04	08/05	08/06
	5.75		3.25	4.00	7.75	20.75
						25.00

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Time Code Listing					
AB	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty

<http://cdav1appcertn01/cta660/cta.asp>

10/8/2007

208 2653199

COLDWATER CREEK

10:31:56 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Don Williams **Winnipeg** **AS Afterschool Services**



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Timecard for Linda Beard

Signed	No	REG	31.50	NonWk	0.00
Approved	08/22/2005@10:01AM by Dianne Millican	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	WKEND	0.00
Pay Period	08/07/2005-08/20/2005 View Other Periods	TOTAL	31.50		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sun 08/07	RG	03:15P			08:30P	05:15				80184	800
	Tue 08/09	RG	03:00P			05:30P	02:30				80184	800
	Fri 08/12	RG	01:15P			06:45P	05:30				80184	800
	Tue 08/16	RG	11:45A			06:30P	06:45				80184	800
	Fri 08/19	RG	01:30P			07:00P	05:30				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sat 08/20	RG	01:00P			07:00P	06:00				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary												
08/07	08/08	08/09	08/10	08/11	08/12	08/13						
5.25	2.50				5.50	13.25						
08/14	08/15	08/16	08/17	08/18	08/19	08/20						
	6.75				5.50	6.00	18.25					
							31.50					

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Time Code Listing					
AB	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty

http://cdav1appcrdn01/cta660/cta.asp

10/8/2007

208 2653199

COLDWATER CREEK

10:32:20 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Consolidated Times & Attendance[Home](#)**Timecard for Linda Beard**

Signed No
 Approved 09/04/2005@3:16PM by Dianne Millican
 Pay Freq Biweekly (Locked)
 Pay Period 08/21/2005-09/03/2005 [View Other Periods](#)

REG	OT	NIGHT	TOTAL	NonWk	DT	Wkend
36.25	0.00	0.00	36.25	0.00	0.00	0.00

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: [Printable](#) [Return to Approval Timecard](#)

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Mon 08/22	RG	01:00P			04:45P	03:45				80184	800
	Thu 08/23	RG	01:15P			03:15P	04:00				80184	800
	Fri 08/26	RG	02:15P			06:30P	04:15				80184	800
	Sat 08/27	RG	02:15P			09:00P	06:45				80184	800
	Wed 08/31	RG	01:30P			06:30P	05:00				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Wed 08/31	RG	09:15P			12:15A	03:00				80184	800
	Fri 09/02	RG	01:30P			06:15P	04:45				80184	800
	Sat 09/03	RG	01:45P			06:30P	04:45				80184	800

Operations: [Printable](#) [Return to Approval Timecard](#)

Daily Hours Summary						
08/21	08/22	08/23	08/24	08/25	08/26	08/27
3.75			4.00	4.25	6.75	16.75
08/28	08/29	08/30	08/31	09/01	09/02	09/03
		8.00		4.75	4.75	17.50
						36.25

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Time Code Listing

<http://cdav1appserdn01/cita660/cita.asp>

10/8/2007

208 2653199

COLDWATER CREEK

10:32:42 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Coldwater Creek[Home](#)[Home](#) | [Help](#) | [Logout](#)**Timecard for Linda Beard**

Signed: No
 Approved: 09/18/2005@8:16AM by Ronald Shimanek
 Pay Freq: BiWeekly (Locked)
 Pay Period: 09/04/2005-09/17/2005 [View Other Periods](#)

REG	OT	NIGHT	TOTAL	NonWk	DT	Wkend
32.00	4.50	0.00	36.50	0.00	0.00	0.00

[Timecard](#) | [Transactions](#) | [Schedule](#) | [Accruals](#) | [Notes](#) | [Audit](#) | [Profile](#)
[Operations: Printable](#) [Return to Approval Timecard](#)

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Mon 09/05	NP	12:00A			08:00A	08:00				80184	800
	Mon 09/05	RG	05:15P			09:45P	04:30				80184	800
	Wed 09/07	RG	01:30P			06:15P	04:45				80184	800
	Sat 09/10	RG	03:00P			09:30P	06:30				80184	800
	Wed 09/14	RG	04:15P			09:15P	05:00				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Thu 09/15	RG	01:15P			06:30P	05:15				80184	800
	Fri 09/16	RG	01:15P			06:15P	05:00				80184	800
	Sat 09/17	RG	04:15P			09:45P	05:30				80184	800

Operations: [Printable](#) [Return to Approval Timecard](#)

Daily Hours Summary						
09/04	09/05	09/06	09/07	09/08	09/09	09/10
12.50			4.75			6.50 23.75
09/11	09/12	09/13	09/14	09/15	09/16	09/17
			5.00	5.25	5.00	5.50 20.75
						44.50

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10/8/2007

208 2653199

COLDWATER CREEK

10:33:03 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Coldwater Creek
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Timecard for Linda Beard

Signed	No	10/02/2005@1:30PM by Janice Nonwood
Approved	BiWeekly (Locked)	
Pay Freq	08/18/2005-10/01/2005 View Other Periods	
Pay Period		
REG	33.00	NonWk
OT	0.00	DT
NIGHT	0.00	WEEKEND
TOTAL	33.00	0.00

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Wed 09/21	RG	01:45P			06:30P	04:45				80184	800
	Fri 09/23	RG	01:15P			07:45P	06:30				80184	800
	Sat 09/24	RG	02:00P			08:15P	06:15				80184	800
	Wed 09/28	RG	05:15P			09:30P	04:15				80184	800
	Fri 09/30	RG	01:15P			06:15P	05:00				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sat 10/01	RG	03:15P			09:30P	06:15				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary					
09/18	09/19	09/20	09/21	09/22	09/23
			4.75	6.50	6.25
09/25	09/26	09/27	09/28	09/29	09/30
			4.25	5.00	6.25
					15.50
					33.00

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Time Code Listing					
AB	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty

http://cdav1appordn01/cta660/cta.asp

10/8/2007

208 2653199

COLDWATER CREEK

10:33:25 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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COLDWATER CREEK

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Timecard for Linda Beard

Signed No
 Approved 10/17/2005@1:46PM by Kimberly Curry
 Pay Freq BiWeekly (Locked)
 Pay Period 10/02/2005-10/15/2005 View Other Periods

REG	42.00	NonWk	0.00
OT	0.00	DT	0.00
NIGHT	0.00	WKEND	0.00
TOTAL	42.00		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Wed 10/05	RG	01:15P	03:00P	03:30P	08:15P	07:30				80184	800
	Thu 10/06	RG	01:30P			05:15P	03:45				80184	800
	Fri 10/07	RG	02:15P			08:15P	06:00				80184	800
	Sat 10/08	RG	02:30P			08:00P	05:30				80184	800
	Wed 10/12	RG	04:15P			08:15P	04:00				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Thu 10/13	RG	01:15P			06:15P	05:00				80184	800
	Fri 10/14	RG	01:15P			06:15P	05:00				80184	800
	Sat 10/15	RG	01:15P			06:30P	05:15				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary						
10/02	10/03	10/04	10/05	10/06	10/07	10/08
		7.50	3.75	6.00	5.50	22.75
10/09	10/10	10/11	10/12	10/13	10/14	10/15
		4.00	5.00	5.00	5.25	19.25
						42.00

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Time Code Listing

http://cdav1apprdn01/cta660/cta.asp

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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CONTINUING THE HISTORY OF AN AMERICAN COUNTRY

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Timecard for Linda Beard

Signed	No	REG	NonWk
Approved	10/31/2005@12:09PM by Kimberly Curry	OT	DT
Pay Freq	BiWeekly (Locked)	NIGHT	WKEND
Pay Period	10/16/2005-10/29/2005 View Other Periods	TOTAL	
		34.00	0.00
		0.00	0.00
		0.00	0.00
		34.00	

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: Printable Return to Approval Timescard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sun 10/16	RG	06:30P			09:00P	02:30				80184	800
	Wed 10/19	RG	06:00P			09:15P	03:15				80184	800
	Thu 10/20	RG	01:00P			06:15P	05:15				80184	800
	Fri 10/21	RG	01:30P			06:15P	04:45				80184	800
	Sat 10/22	RG	01:15P			06:15P	05:00				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Thu 10/27	RG	06:15P			09:30P	03:15				80184	800
	Fri 10/28	RG	02:15P			07:15P	05:00				80184	800
	Sat 10/29	RG	03:00P			08:00P	05:00				80184	800

Operations: [Printable](#) [Return to Approval Timescard](#)

Daily Hours Summary							
10/16	10/17	10/18	10/19	10/20	10/21	10/22	
2.50			3.25	5.25	4.75	5.00	20.75
10/23	10/24	10/25	10/26	10/27	10/28	10/29	
				3.25	5.00	5.00	13.25
							34.00

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Time Code Listing

<http://cdaviappcrdn01/cta660/cta.asp>

10/8/2007

208 2653199

COLDWATER CREEK

10:34:08 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Signed	No	REG	20.00	NonWk	0.00
Approved	11/14/2005@4:13PM by Kimberly Curry	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	Wkend	0.00
Pay Period	10/30/2005-11/12/2005 View Other Periods	TOTAL	20.00		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: [Printable](#) [Return to Approval Timecard](#)

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sat 11/05	RG	03:00P			07:15P	04:15				80184	800
	Thu 11/10	RG	02:00P			06:15P	04:15				80184	800
	Fri 11/11	RG	01:00P			06:15P	05:15				80184	800
	Sat 11/12	RG	02:15P			08:30P	08:15				80184	800

Operations: [Printable](#) [Return to Approval Timecard](#)

Daily Hours Summary											
10/30	10/31	11/01	11/02	11/03	11/04	11/05					
					4.25	4.25					
11/06	11/07	11/08	11/09	11/10	11/11	11/12					
				4.25	5.25	6.25	16.75				
							20.00				

[top](#)**Time Code Listing**

AB Absence	AD Admin Leave	DS Disability
FN Funeral Pay	HP Holiday Pay	JD Jury Duty
ML Military Leave	MT Meeting	NP No Pay
PT PTO	RG Regular Hours	S2 Smt 2 Premium
SK Sick Pay	TN Training	TV Travel Time
VA Vacation Pay		

<http://cdav1appcrdn01/cta660/cta.asp>

10/8/2007

208 2653199

COLDWATER CREEK

10:34:28 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Timecard for Linda Beard

Signed	No	REG	29.25	NonWk	0.00
Approved	11/28/2005@8:09AM by Kimberly Curry	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	Wkend	0.00
Pay Period	11/13/2005-11/26/2005 View Other Periods	TOTAL	29.25		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sun 11/13	RG	07:45P			08:45P	02:00				80184	800
	Thu 11/17	RG	02:00P			06:15P	04:15				80184	800
	Fri 11/18	RG	01:00P			07:00P	06:00				80184	800
	Sat 11/19	RG	05:15P			09:45P	04:30				80184	800
	Thu 11/24	NP	12:00A			08:00A	08:00				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Fri 11/25	RG	01:00P			06:00P	05:00				80184	800
	Sat 11/26	RG	01:00P			08:30P	07:30				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary												
11/13	11/14	11/15	11/16	11/17	11/18	11/19						
2.00			4.25	6.00	4.50	18.75						
11/20	11/21	11/22	11/23	11/24	11/25	11/26						
			8.00	5.00	7.50	20.50						
						37.25						

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Time Code Listing			
AB	Absence	AD	Admin Leave
DS	Disability		

http://cdav1appcrdn01/cta660/cta.asp

10/8/2007

208 2653199

COLDWATER CREEK

10:34:49 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Timecard for Linda Beard

Signed No	12/12/2005 7:53AM by Kimberly Curry	REG	34.25	NonWk	0.00
Approved	BiWeekly (Locked)	OT	0.00	DT	0.00
Pay Freq	11/27/2005-12/10/2005 View Other Periods	NIGHT	0.00	WKEND	0.00
Pay Period		TOTAL	34.25		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Wed 11/30	RG	04:00P			08:15P	04:15				80184	800
	Thu 12/01	RG	01:00P			06:30P	05:30				80184	800
	Fri 12/02	RG	02:45P			09:15P	06:30				80184	800
	Sat 12/03	RG	01:15P			06:30P	05:15				80184	800
	Wed 12/07	RG	04:00P			04:15P	00:15				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Wed 12/07	RG	04:15P			06:30P	02:15				80184	800
	Fri 12/08	RG	02:15P			06:15P	04:00				80184	800
	Sat 12/10	RG	04:00P			10:15P	06:15				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary												
11/27	11/28	11/29	11/30	12/01	12/02	12/03						
			4.25	5.50	6.50	5.25	21.50					
12/04	12/05	12/06	12/07	12/08	12/09	12/10						
			2.50	4.00	6.25	12.75						
							34.25					

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Time Code Listing

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COLDWATER CREEK

10:35:13 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Timecard for Linda Beard

Signed	No	12/26/2005@8:26AM by Kimberly Curry
Approved	Pay Freq	BiWeekly (Locked)
Pay Period	12/11/2005-12/24/2005	View Other Periods
REG	20.25	NonWk
OT	0.00	DT
NIGHT	0.00	WEEKEND
TOTAL	20.25	0.00

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Thu 12/15	RG	02:00P			06:00P	06:00				80184	800
	Fri 12/16	RG	02:00P			07:30P	05:30				80184	800
	Sat 12/17	RG	04:00P			08:45P	04:45				80184	800
	Wed 12/21	RG	04:00P			08:00P	04:00				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary									
12/11	12/12	12/13	12/14	12/15	12/16	12/17			
			8.00	5.50	4.75	16.25			
12/18	12/19	12/20	12/21	12/22	12/23	12/24			
		4.00				4.00			
							20.25		

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Time Code Listing									
AB	Absence	AD	Admin Leave	DS	Disability				
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty				
ML	Military Leave	MT	Meeting	NP	No Pay				
PT	PTO	RG	Regular Hours	S2	Shift 2 Premium				
SK	Sick Pay	TN	Training	TV	Travel Time				
VA	Vacation Pay								

208 2653199

COLDWATER CREEK

10:35:33 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Timecard for Linda Beard

Signed No
 Approved 01/09/2008@6:47AM by Kimberly Curry
 Pay Freq Biweekly (Locked)
 Pay Period 12/25/2005-01/07/2006 View Other Periods

REG	OT	NIGHT	TOTAL	18.75	2.00	0.00	20.75

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sun 12/25	NP	12:00A			08:00A	08:00				80184	800
	Fri 12/30	RG	02:15P			06:30P	04:15				80184	800
	Sat 12/31	RG	03:15P			07:00P	03:45				80184	800
	Sun 01/01	NP	12:00A			08:00A	08:00				80184	800
	Sun 01/01	RG	02:00P			04:00P	02:00				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Fri 01/06	RG	02:00P			06:30P	04:30				80184	800
	Sat 01/07	RG	01:15P			07:30P	06:15				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary						
12/25	12/26	12/27	12/28	12/29	12/30	12/31
8.00					4.25	3.75
01/01	01/02	01/03	01/04	01/05	01/06	01/07
10.00				4.50	6.25	20.75
						36.75

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Time Code Listing			
AB	Absence	AD	Admin Leave
DS	Disability		

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COLDWATER CREEK

10:35:54 a.m.

10-08-2007

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CWC Timecard History - NOT PRODUCTION for Jennifer Flynn

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Timecard for Linda Beard

Signed	No	REG	48.00	NonWk	0.00
Approved	01/23/2008@10:35AM by Kimberly Curry	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	Wkend	0.00
Pay Period	01/08/2008-01/21/2008 View Other Periods	TOTAL	48.00		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sun 01/08	RG	06:30P			08:30P	02:00				80184	800
	Thu 01/12	RG	01:00P			06:30P	05:30				80184	800
	Fri 01/13	RG	02:00P			06:30P	04:30				80184	800
	Sat 01/14	RG	01:00P			06:15P	05:15				80184	800
	Sun 01/15	RG	01:45P			08:45P	08:00				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Mon 01/16	RG	02:00P			06:00P	04:00				80184	800
	Tue 01/17	RG	01:30P			06:15P	04:45				80184	800
	Wed 01/18	RG	01:15P			06:15P	05:00				80184	800
	Thu 01/19	RG	02:00P			06:15P	04:15				80184	800
	Fri 01/20	RG	01:15P			06:00P	04:45				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary									
01/08	01/09	01/10	01/11	01/12	01/13	01/14			
2.00				5.50	4.50	5.25	17.25		
01/15	01/16	01/17	01/18	01/19	01/20	01/21			
8.00	4.00	4.75	5.00	4.25	4.75	30.75			
						48.00			

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COLDWATER CREEK

10:36:17 a.m.

10-08-2007

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CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Timecard for Linda Beard

Signed	No	REG	26.75	NonWk	0.00
Approved	02/08/2006@6:58AM by Kimberly Curry	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	WKEND	0.00
Pay Period	01/22/2006-02/04/2006 View Other Periods	TOTAL	26.75		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Thu 01/26	RG	01:00P			06:15P	05:15				80184	800
	Sat 01/28	RG	04:15P			07:15P	03:00				80184	800
	Sun 01/29	RG	03:15P			06:30P	03:15				80184	800
	Tue 01/31	RG	02:15P			06:00P	03:45				80184	800
	Fri 02/03	RG	02:30P			09:45P	06:30				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sat 02/04	RG	01:15P			06:15P	05:00				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary						
01/22	01/23	01/24	01/25	01/26	01/27	01/28
			5.25			3.00
01/29	01/30	01/31	02/01	02/02	02/03	02/04
3.25	3.75			6.50	5.00	18.50
						26.75

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Time Code Listing					
AS	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty

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208 2653199

COLDWATER CREEK

10:36:41 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Timecard for Linda Beard

Signed | No
 Approved | 02/20/2008@11:37AM by Kimberly Curry
 Pay Freq | BiWeekly (Locked)
 Pay Period | 02/05/2008-02/18/2008 View Other Periods

REG	39.75	NonWk	0.00
OT	0.00	DT	0.00
NIGHT	0.00	WKEND	0.00
TOTAL	39.75		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sun 02/05	RG	02:15P			09:15P	07:00				80184	800
	Mon 02/06	RG	02:00P			06:15P	04:15				80184	800
	Thu 02/09	RG	02:15P			06:15P	04:00				80184	800
	Sat 02/11	RG	02:15P			06:00P	03:45				80184	800
	Tue 02/14	RG	01:30P			06:15P	04:45				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Thu 02/16	RG	03:15P			07:00P	03:45				80184	800
	Fri 02/17	RG	02:00P	06:00P	07:00P	09:30P	06:30				80184	800
	Sat 02/18	RG	01:15P			07:00P	05:45				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary											
02/05	02/06	02/07	02/08	02/09	02/10	02/11					
7.00	4.25			4.00		3.75	19.00				
02/12	02/13	02/14	02/15	02/16	02/17	02/18					
	4.75			3.75	6.50	5.75	20.75				
							39.75				

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Time Code Listing

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COLDWATER CREEK

10:37:02 a.m.

10-08-2007

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CERTIFICATION

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Timecard for Linda Beard

Signed	No	REG	41.50	NonWk	0.00
Approved	03/08/2006@10:33AM by Kimberly Curry	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	Wkend	0.00
Pay Period	02/19/2006-03/04/2006 View Other Periods	TOTAL	41.50		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Mon 02/20	RG	02:15P			06:15P	04:00				80184	800
	Thu 02/23	RG	01:15P			08:15P	07:00				80184	800
	Fri 02/24	RG	01:30P			06:00P	04:30				80184	800
	Sat 02/25	RG	03:15P			08:30P	05:15				80184	800
	Tue 02/28	RG	03:15P	06:15P	07:30P	09:30P	05:00				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Thu 03/02	RG	03:00P			08:15P	03:15				80184	800
	Fri 03/03	RG	01:30P			06:15P	04:45				80184	800
	Sat 03/04	RG	02:15P			08:00P	05:45				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary					
02/19	02/20	02/21	02/22	02/23	02/25
4.00			7.00	4.50	5.25
02/26	02/27	02/28	03/01	03/02	03/03
5.00			5.25	4.75	5.75
					20.75
					41.50

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COLDWATER CREEK

10:37:24 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Government of Minnesota
Department of Transportation
Minnesota State Patrol

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Timecard for Linda Beard

Signed	NO	REG	31.75	Nonwk	0.00
Approved	03/20/2006@11:10AM by Kimberly Curry	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	WKEND	0.00
Pay Period	03/05/2006-03/18/2006 View Other Periods	TOTAL	31.75		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sun 03/05	RG	01:45P			06:15P	04:30				80184	800
	Tue 03/07	RG	02:15P			06:15P	04:00				80184	800
	Fri 03/10	RG	05:15P			09:30P	04:15				80184	800
	Sat 03/11	RG	02:15P			08:15P	06:00				80184	800
	Tue 03/14	RG	03:15P			07:00P	03:45				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Fri 03/17	RG	01:00P			06:00P	05:00				80184	800
	Sat 03/18	RG	05:00P			09:15P	04:15				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary												
03/05	03/06	03/07	03/08	03/09	03/10	03/11						
4.50		4.00		4.25	6.00	18.75						
03/12	03/13	03/14	03/15	03/16	03/17	03/18						
		3.75		5.00	4.25	13.00						
												31.75

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Time Code Listing			
AB	Absence	AD	Admin Leave
DS	Disability		

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COLDWATER CREEK

10:37:48 a.m.

10-08-2007

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Timecard for Linda Beard

Signed: No
 Approved: 04/03/2006@8:43AM by Kimberly Curry
 Pay Freq: BiWeekly (Locked)
 Pay Period: 03/19/2006-04/01/2006 View Other Periods

REG	OT	NonWk	DT	WkEND	DT
35.25	0.00	0.00	0.00	0.00	0.00
NIGHT	0.00				
TOTAL	35.25				

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sun 03/19	RG	01:00P			05:30P	04:30				80184	800
	Mon 03/20	RG	03:00P			06:00P	03:00				80184	800
	Thu 03/23	RG	01:00P			07:15P	06:15				80184	800
	Sat 03/25	RG	02:00P			07:00P	05:00				80184	800
	Mon 03/27	RG	01:30P			05:00P	03:30				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Tue 03/28	RG	01:15P			06:15P	05:00				80184	800
	Wed 03/29	RG	03:00P			06:15P	03:15				80184	800
	Sat 04/01	RG	01:15P			06:00P	04:45				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary									
03/19	03/20	03/21	03/22	03/23	03/24	03/25			
4.50	3.00			6.25	5.00	16.75			
03/26	03/27	03/28	03/29	03/30	03/31	04/01			
3.50	5.00	3.25			4.75	16.50			
						35.25			

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Time Code Listing

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COLDWATER CREEK

10:38:10 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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CONFIDENTIAL **INTERVIEW** **AS A RESEARCHER**

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Timecard for Linda Beard

Signed	No	REG	19.50	NonWk	0.00
Approved	04/17/2006@1:05PM by Santina Golson	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	WEEKEND	0.00
Pay Period	04/02/2006-04/15/2006 View Other Periods	TOTAL	19.50		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Wed 04/05	RG	03:00P			06:00P	03:00				80184	800
	Sat 04/08	RG	02:00P			07:00P	05:00				80184	800
	Sat 04/08	RG	09:00P			10:45P	01:45				80184	800
	Wed 04/12	RG	01:00P			06:00P	05:00				80184	800
	Sat 04/15	RG	01:15P			06:00P	04:45				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary						
04/02	04/03	04/04	04/05	04/06	04/07	04/08
			3.00			6.75
04/09	04/10	04/11	04/12	04/13	04/14	04/15
			5.00		4.75	9.75
						19.50

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Time Code Listing			
AB	Absence	AD	Admin Leave
AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay
HP	Holiday Pay	JD	Jury Duty
ML	Military Leave	MT	Meeting
MT	Meeting	NP	No Pay
PT	PTO	RG	Regular Hours
RG	Regular Hours	S2	Shift 2 Premium
S2	Shift 2 Premium	TN	Training
TN	Training	TV	Travel Time

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Timecard for Linda Beard

Signed	No	REG	NonWk
Approved	05/01/2008@10:34AM by Kimberly Curry	34.25	0.00
Pay Freq	BiWeekly (Locked)	0.00	DT 0.00
Pay Period	04/16/2008-04/29/2008 View Other Periods	0.00	WKEND 0.00
		TOTAL	
		34.25	

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Wed 04/19	RG	01:00P			06:00P	05:00				80184	800
	Thu 04/20	RG	01:15P			06:15P	05:00				80184	800
	Sat 04/22	RG	01:00P			06:15P	05:15				80184	800
	Sun 04/23	RG	01:00P			05:15P	04:15				80184	800
	Tue 04/25	RG	03:00P			06:15P	03:15				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Thu 04/27	RG	01:00P			06:15P	05:15				80184	800
	Sat 04/29	RG	01:00P			07:15P	06:15				80184	800

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Time Code Listing			
AB	Absence	AD	Admin Leave
		DS	Disability

208 2653199

COLDWATER CREEK

10:38:57 a.m.

10-08-2007

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Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Timecard for Linda Beard

Signed No	05/15/2006@9:12AM by Kimberly Curry	REG	19.75	NonWk	0.00
Approved	05/15/2006@9:12AM by Kimberly Curry	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	WKEND	0.00
Pay Period	04/30/2006-05/13/2006 View Other Periods	TOTAL	19.75		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Tue 05/02	RG	02:00P			06:00P	04:00				80184	800
	Sat 05/06	RG	02:15P			07:00P	04:45				80184	800
	Tue 05/09	RG	01:00P			06:00P	05:00				80184	800
	Sat 05/13	RG	03:15P			09:15P	06:00				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary						
04/30	05/01	05/02	05/03	05/04	05/05	05/06
		4.00			4.75	8.75
05/07	05/08	05/09	05/10	05/11	05/12	05/13
		5.00			8.00	11.00
						19.75

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Time Code Listing					
AB	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty
ML	Military Leave	MT	Meeting	NP	No Pay
PT	PTO	RG	Regular Hours	S2	Shift 2 Premium
SK	Sick Pay	TN	Training	TV	Travel Time
VA	Vacation Pay				

http://cdav1appetd01/cta660/cta.asp

10/8/2007

208 2653199

COLDWATER CREEK

10:39:20 a.m.

10-08-2007

53 /60

Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Approved Timecard[Home](#)[Home](#) | [Help](#) | [Logout](#)**Timecard for Linda Beard**

Signed	No	REG	24.25	NonWk	0.00
Approved	05/29/2008@3:24PM by Kimberly Curry	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	WEEKEND	0.00
Pay Period	05/14/2008-05/27/2008 View Other Periods	TOTAL	24.25		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: [Printable](#) [Return to Approval Timecard](#)

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Mon 05/15	RG	03:00P			06:00P	03:00				80184	800
	Thu 05/18	RG	03:00P			06:15P	03:15				80184	800
	Sat 05/20	RG	02:15P			07:00P	04:45				80184	800
	Tue 05/23	RG	01:00P			06:15P	05:15				80184	800
	Sat 05/27	RG	01:30P			09:30P	08:00				80184	800

Operations: [Printable](#) [Return to Approval Timecard](#)

Daily Hours Summary					
05/14	05/15	05/16	05/17	05/18	05/19
	3.00			3.25	4.75
05/21	05/22	05/23	05/24	05/25	05/26
	5.25			8.00	13.25
					24.25

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Time Code Listing					
AB	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty
ML	Military Leave	MT	Meeting	NP	No Pay
PT	PTO	RG	Regular Hours	S2	Shift 2 Premium
SK	Sick Pay	TN	Training	TV	Travel Time

208 2653199

COLDWATER CREEK

10:39:41 a.m.

10-08-2007

54 /60

Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Timecard for Linda Beard

Signed No
Approved 06/12/2006@12:43PM by Kimberly Curry
Pay Freq Bimonthly (Locked)
Pay Period 05/28/2006-06/10/2006 View Other PeriodsREG 19.25 NonWk 0.00
OT 4.00 DT 0.00
NIGHT 0.00 WKEND 0.00
TOTAL 23.25Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Mon 05/28	NP	12:00A			08:00A	06:00				80184	800
	Mon 05/28	RG	02:15P			06:15P	04:00				80184	800
	Sat 06/03	RG	05:00P			09:15P	04:15				80184	800
	Tue 06/06	RG	01:00P			06:30P	05:30				80184	800
	Wed 06/07	RG	01:15P			06:00P	04:45				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Fri 06/08	RG	01:15P			06:00P	04:45				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary						
05/28	05/29	05/30	05/31	06/01	06/02	06/03
12.00						4.25
06/04	06/05	06/06	06/07	06/08	06/09	06/10
	5.50	4.75	4.75			15.00
						31.25

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Time Code Listing					
AB	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty

<http://cdav1appcrdn01/cia660/cia.asp>

10/8/2007

208 2653199

COLDWATER CREEK

10:40:02 a.m.

10-08-2007

55 /60

Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Geoff Williams Time & Attendance[Home](#) [-](#)[Home](#) | [Help](#) | [Logout](#)**Timecard for Linda Beard**

Signed	No	REG	30.50	NonWk	0.00
Approved	06/26/2006@2:50PM by Kimberly Curry	OT	0.00	DT	0.00
Pay Freq	Biweekly (Locked)	NIGHT	0.00	WEEKEND	0.00
Pay Period	06/11/2006-06/24/2006 View Other Periods	TOTAL	30.50		

[Timecard](#) | [Transactions](#) | [Schedule](#) | [Accruals](#) | [Notes](#) | [Audit](#) | [Profile](#)
[Operations: Printable](#) [Return to Approval Timecard](#)

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sun 06/11	RG	01:15P			06:00P	04:45				80184	800
	Tue 06/13	RG	01:15P			06:00P	04:45				80184	800
	Thu 06/15	RG	01:15P			06:00P	04:45				80184	800
	Sun 06/18	RG	01:30P			06:15P	04:45				80184	800
	Wed 06/21	RG	01:15P			06:00P	04:45				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sat 06/24	RG	01:15P			06:00P	06:45				80184	800

[Operations: Printable](#) [Return to Approval Timecard](#)**Daily Hours Summary**

06/11	06/12	06/13	06/14	06/15	06/16	06/17	
4.75	4.75		4.75			14.25	
06/18	06/19	06/20	06/21	06/22	06/23	06/24	
4.75		4.75			6.75	16.25	
						30.50	

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Time Code Listing					
AB	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty

<http://cdav1appcrdn01/cta660/cta.asp>

10/8/2007

208 2653199

COLDWATER CREEK

10:40:26 a.m.

10-08-2007

56 /60

Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Timecard for Linda Beard

Signed: No
 Approved: 07/10/2006 07:33AM by Kimberly Curry
 Pay Freq: BiWeekly (locked)
 Pay Period: 06/25/2006-07/08/2006 View Other Periods

REG	OT	NIGHT	TOTAL	NonWk	DT	WEEKEND
22.00	5.25	0.00	27.25	0.00	0.00	0.00

[Timecard](#) | [Transactions](#) | [Schedule](#) | [Accruals](#) | [Notes](#) | [Audit](#) | [Profile](#)

[Operations: Printable](#) | [Return to Approval Timecard](#)

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Fri 06/30	RG	02:00P			06:00P	06:00				80184	800
	Sat 07/01	RG	02:00P			06:15P	06:15				80184	800
	Tue 07/04	NP	12:00A			06:00A	08:00				80184	800
	Tue 07/04	RG	01:15P			06:30P	05:15				80184	800
	Fri 07/07	RG	01:15P			06:15P	05:00				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sat 07/08	RG	01:15P			06:00P	04:45				80184	800

[Operations: Printable](#) | [Return to Approval Timecard](#)

Daily Hours Summary									
06/25	06/26	06/27	06/28	06/29	06/30	07/01			
				6.00	6.25	12.25			
07/02	07/03	07/04	07/05	07/06	07/07	07/08			
		13.25			5.00	4.75	23.00		
							36.25		

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Time Code Listing					
AB	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty

<http://cdav1appcrdn01/cfa660/cfa.asp>

10/8/2007

208 2653199

COLDWATER CREEK

10:40:50 a.m.

10-08-2007

57 /60

Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Timecard for Linda Beard

Signed	No	REG	37.75	NonWk	0.00
Approved	07/24/2006@10:34AM by Kimberly Curry	OT	0.00	DT	0.00
Pay Freq	BiWeekly (Locked)	NIGHT	0.00	WEEKEND	0.00
Pay Period	07/09/2006-07/22/2006 View Other Periods	TOTAL	37.75		

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile

Operations: [Printable](#) [Return to Approval](#) [Timecard](#)

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Mon 07/10	RG	01:00P			07:00P	06:00				80184	800
	Wed 07/12	RG	01:00P			06:00P	05:00				80184	800
	Fri 07/14	RG	01:15P			06:30P	05:15				80184	800
	Sat 07/15	RG	02:15P			08:45P	08:30				80184	800
	Tue 07/16	RG	01:15P			06:00P	04:45				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Thu 07/20	RG	01:00P			06:00P	05:00				80184	800
	Sat 07/22	RG	01:00P			06:15P	05:15				80184	800

Operations: [Printable](#) [Return to Approval](#) [Timecard](#)

Daily Hours Summary												
07/09	07/10	07/11	07/12	07/13	07/14	07/15						
	6.00		6.00		5.25	6.50	22.75					
07/16	07/17	07/18	07/19	07/20	07/21	07/22						
		4.75		5.00	5.25	15.00						
							37.75					

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Time Code Listing			
AB	Absence	AD	Admin Leave
DS	Disability		

<http://cdav1.appendn01/cta660/cta.asp>

10/8/2007

208 2653199

COLDWATER CREEK

10:41:11 a.m.

10-08-2007

58 /60

Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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 CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Timecard for Linda Beard

Signed No
Approved 08/07/2006@10:49AM by Kimberly Curry
Pay Freq BiWeekly (Locked)
Pay Period 07/23/2006-08/05/2006 View Other Periods

REG	OT	NIGHT	TOTAL	NonWk	DT	Wkend
22.50	0.00	0.00	22.50	0.00	0.00	0.00

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[Operations: Printable](#) [Back to List](#)

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Fri 07/28	RG	02:00P			06:00P	04:00				80184	800
	Sat 07/29	RG	03:00P			06:15P	03:15				80184	800
	Sun 07/30	RG	01:00P			04:00P	03:00				80184	800
	Tue 08/01	RG	03:00P			06:15P	03:15				80184	800
	Wed 08/02	RG	01:00P			06:00P	05:00				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Thu 08/03	RG	01:00P			05:00P	04:00				80184	800

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Daily Hours Summary						
07/23	07/24	07/25	07/26	07/27	07/28	07/29
			4.00	3.25	7.25	
07/30	07/31	08/01	08/02	08/03	08/04	08/05
3.00	3.25	5.00	4.00	15.25		
					22.50	

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Time Code Listing					
AB	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty

<http://cdav1appperd01/cta660/cta.asp>

10/8/2007

208 2653199

COLDWATER CREEK



10:41:32 a.m.

10-08-2007

59 /60

Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Timecard for Linda Beard

Signed	NO	REG	32.25	NonWk	0.00
Approved	08/21/2006@2:53PM by Kimberly Curry	OT	0.00	DT	0.00
Pay Freq	Biweekly (Locked)	NIGHT	0.00	WEEKEND	0.00
Pay Period	08/06/2006-08/19/2006 View Other Periods	TOTAL	32.25		

 Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sun 08/06	RG	03:30P			08:45P	05:15				80184	800
	Tue 08/08	RG	02:00P			06:00P	04:00				80184	800
	Sat 08/12	RG	02:15P			07:00P	04:45				80184	800
	Sun 08/13	RG	02:00P	04:00P	05:00P	08:15P	06:15				80184	800
	Tue 08/15	RG	02:00P			06:00P	04:00				80184	800
Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Thu 08/17	RG	03:00P			06:00P	03:00				80184	800
	Sat 08/18	RG	01:15P			06:15P	03:00				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary						
08/06	08/07	08/08	08/09	08/10	08/11	08/12
5.25		4.00			4.75	14.00
08/13	08/14	08/15	08/16	08/17	08/18	08/19
6.25		4.00	3.00		5.00	16.25
						32.25

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Time Code Listing			
AB	Absence	AD	Admin Leave
DS	Disability		

http://cdav1appserdn01/cta660/cta.asp

10/8/2007

208 2653199

COLDWATER CREEK

10:41:53 a.m.

10-08-2007

60 /60

Timecard - CWC Time History - NOT PRODUCTION for Jennifer Flynn

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Timecard for Linda Beard

Signed: No
 Approved: 09/04/2006@2:45PM by Janicea Norwood
 Pay Freq: Biweekly (Locked)
 Pay Period: 08/20/2006-09/02/2006 View Other Periods

REG 11.00
 OT 0.00
 NIGHT 0.00
 TOTAL 11.00

NonWk 0.00
 DT 0.00
 WKEND 0.00

Timecard | Transactions | Schedule | Accruals | Notes | Audit | Profile
 Operations: Printable Return to Approval Timecard

Del	Date	Time Code	In	Meal Out	Meal In	Out	Hours	LD	Favorite Set	COMP	DEPT	JOB
	Sat 08/26	RG	02:15P			07:00P	04:45				80184	800
	Sun 08/27	RG	01:15P			05:00P	03:45				80184	800
	Tue 08/29	RG	03:30P			06:00P	02:30				80184	800

Operations: Printable Return to Approval Timecard

Daily Hours Summary

	08/20	08/21	08/22	08/23	08/24	08/25	08/26	
							4.75	4.75
08/27	08/28	08/29	08/30	08/31	09/01	09/02		
3.75	2.50					6.25		
							11.00	

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Time Code Listing

AB	Absence	AD	Admin Leave	DS	Disability
FN	Funeral Pay	HP	Holiday Pay	JD	Jury Duty
ML	Military Leave	MT	Meeling	NP	No Pay
PT	PTO	RG	Regular Hours	SZ	Shift 2 Premium
SK	Sick Pay	TN	Training	TV	Travel Time
VA	Vacation Pay				

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http://cdav1apprd01/cta660/cta.asp

10/8/2007

Coldwater Creek

Confidential

To: Linda Beard

From: Kim Curry

Location: Store # 184, The Shoppes at EastChase

Date: December 4, 2005

Subject: Performance Warning

Based on a previous discussion with you, the following area of your job performance remains a concern:

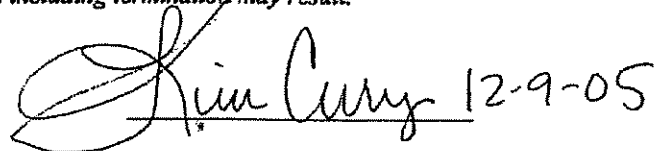
- 1. Failure to comply with company attendance policy;*

We must see immediate and sustained improvement in the above-mentioned aspect of your job performance or further corrective action up to and including termination may result.

 12-9-05

Linda Beard

Date

 12-9-05

Kim Curry

Date

Valerie Lee

Date

Coldwater Creek

Confidential

To: Linda Beard

From: Kim Curry

Location: Store # 184, The Shoppes at EastChase

Date: March 6, 2006

Subject: Performance Warning

Based on a previous discussion with you, the following area of your job performance remains a concern and is unacceptable:

1. *Failure to comply with company attendance policy; specifically tardiness.*

We must see immediate and sustained improvement in the above-mentioned aspect of your job performance or further corrective action up to and including termination may result.

Linda Beard 3-11-06
Linda Beard Date

Kim Curry 3-11-06
Kim Curry Date

Valerie Lee Date

Due to recent severe physical/medical problems that I am seeking treatment for I have had a most difficult time being at work period and definitely struggled with getting here on time. I will make every effort to improve and correct this

Authorization to Use and/or Disclose Personal Health Plan Information

Form Received By _____

Date _____

1. Employee Name <u>Linda L. Beard</u>	1a. Employee Health Plan ID Number
1b. Employee Date of Birth <u>12-31-1949</u>	
2. Name of Person Whose Health Information is the Subject of this Authorization <u>Linda L. Beard</u>	2a. Relationship to Employee Self <input checked="" type="checkbox"/> Spouse <input type="checkbox"/> Child <input type="checkbox"/> Other <input type="checkbox"/>
3. Your Name <u>Linda L. Beard</u>	3a. Authority If you are not the person in Box 2, please describe your authority to act on his or her behalf: _____ _____ _____
4. Mailing Address for Records <u>8305 Grand Oak Ct</u>	4a. City, State, Zip Code <u>Mtgey. AL 36117</u>

I hereby authorize the Coldwater Creek Inc. Benefit Plan ("the Plan") or contracted Business Associate to use and/or disclose the health information described in Sections A — E below.

Section A: Health Information to be Used and/or Disclosed.

Specify the health information to be released and/or used, including (if applicable) the time period(s) to which the information relates. Select only one (1) of the following boxes:

- ☐ All of my past, present or future health claims and/or medical records.
- ☐ All of my health information relating to Claim Number _____.
- ☐ Other (please specify): _____

Section B: Person(s) Authorized to Use and/or Receive Information.

Specify the persons or class of persons authorized to use and/or receive the health information described in Section A:

Section C: Purposes for Which Information will be Used or Disclosed.

Specify each purpose for which the health information described in Section A may be used or disclosed. Select all of the applicable boxes below:

- ☐ To facilitate the resolution of a claim dispute.
- ☐ As part of my application for leave of under the Family and Medical Leave Act (FMLA) or state family leave laws.
- ☐ For a disability coverage determination.
- ☐ At my request.
- ☒ Other (please specify): Physical limitations ~~at~~ regarding work

Section D: Expiration of Authorization

Specify when this Authorization expires. (Provide a date or triggering event related to the use or disclosure of the information.)

- ☐ On the following date: _____
- ☐ Upon the passage of the following amount of time: _____
- ☐ Upon my disenrollment from Coldwater Creek's health plan.
- ☐ Upon my return from FMLA leave.
- ☐ Other (please specify) _____

Your rights:

- You can revoke this Authorization at any time by submitting a written revocation to **Michelle Horning, Human Resources Manager – Administration**, at the following address: One Coldwater Creek Drive, Sandpoint, ID 83864.
- A revocation will not apply to information that has already been used or disclosed in reliance on the Authorization.
- Once the information is disclosed pursuant to this Authorization, it may be redisclosed by the recipient and the information will no longer be protected by HIPAA.
- [Option 1: The Plan may not condition Treatment, Payment, enrollment or eligibility for benefits on whether I sign the Authorization.]
- [Option 2: This clause applies to individuals not yet enrolled in the Plan. If this Authorization was requested so the Plan can make an eligibility or enrollment determination or an underwriting or risk rating determination, then the person in Box 2 may be ineligible for enrollment or benefits if you fail to sign this form.]
- You will be provided with a copy of this Authorization Form, after signing, if the Plan sought the Authorization.

Signature of Participant & Date

All **original** HIPPA forms (both for salaried and hourly employees) should be **mailed** to:

HR/Benefits Administrator
Coldwater Creek
One Coldwater Creek Drive
Sandpoint, ID 83864

Do not keep a copy in the personnel file.

MONTGOMERY RHEUMATOLOGY ASSOCIATES
Practice Limited to Adult and Pediatric Rheumatology

1421 NARROW LANE PARKWAY
MONTGOMERY, ALABAMA 36111-2854

334-284-3105 • Fax-334-284-3107 • 1-800-631-3105

SONJAN FALLAH, M.D., F.A.C.P.
DIPLOMATE AMERICAN BOARD OF INTERNAL
MEDICINE AND RHEUMATOLOGY

JAMES T. JAKER, M.D.
DIPLOMATE AMERICAN BOARD OF INTERNAL
MEDICINE AND RHEUMATOLOGY

March 16, 2006

RE: Linda Beard

To Whom It May Concern:

Linda Beard was determined to be disabled as of June 2003. She suffers from several health problems. The morning hours are the most difficult for her. These chronic difficulties interfere with her normal activities and her ability to perform work activities in the morning. As the day goes on, Ms. Beard tends to get better. Starting work no earlier than 1:00 p.m. is necessary. Working 5-6 hour shifts between 1:00 and 8:00 p.m. with two days off works best for her. Ms. Beard is usually able to sustain a work schedule in the range of 28 hours per week. She has worked 7-8 hour shifts for extra hours for inventory etc. and is able to do this at times. It is best that Ms. Beard avoid vacuuming or any awkward or heavy lifting. She has worked at her present job almost two years performing the routine job duties required of her position without difficulty. She has avoided vacuuming and heavy lifting on occasion, as her condition varies on a daily basis.

In addition over the past months, particularly over the last several weeks, Ms. Beard has experienced another health problem for which she is seeking diagnosis and treatment of this problem. It causes significant pain at times and exacerbates her existing health conditions. The pain can interfere with sleeping. Usual activities including getting to work on time, and performing some routine tasks as usual may be difficult on occasion while treatment is pursued. Ms. Beard has started on medication and upon delivery of this letter, she will start other treatments and should both start to provide some relief for this temporary condition.

It is most beneficial, both physically and mentally, for Ms. Beard to work. She also needs work as her position provides income necessary for basic needs.

Your consideration and accommodation would be appreciated, particularly during this somewhat difficult temporary period while Ms. Beard seeks treatment for the current problems.

If you have any further questions, please don't hesitate to contact me.

Sincerely,


James T. Jaker, M.D.

JTI/tr

March Monthly Availability

Prefer the afternoon shifts
particularly on Saturday
but getting hours is most
important.

Name: Linda Pearson

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
5 1:00 to close	6 1:00 to close	7 1:00 to close	8 1:00 to close	9 1:00 to close	10 1:00 to close	11 1:00 to close
12 1:00 to close	13 1:00 to close	14 1:00 to close	15 1:00 to close	16 1:00 to close	17 1:00 to close	18 1:00 to close
19 1:00 to close	20 1:00 to close	21 1:00 to close	22 1:00 to close	23 1:00 to close	24 1:00 to close	25 1:00 to close
26 1:00 to close	27 1:00 to close	28 1:00 to close	29 1:00 to close	30 1:00 to close	31 1:00 to close	1 1:00 to close

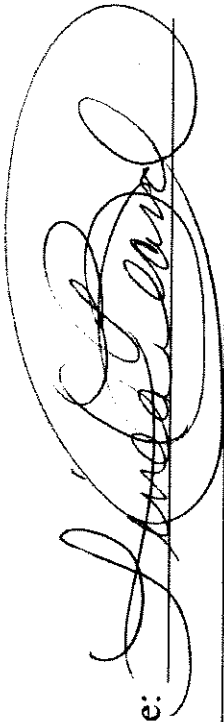
Any Request off, please put "RO" with the corresponding Date

Any Days you are not available to work, put an "X" with the corresponding Date

Will have doctor appt - not yet scheduled - will let you know
soon as scheduled,
Thank You

I need more hours please
April Monthly Availability

Name:



I need 2 week days off
 or 1 week day off & 1 other
 week day off by 4:30 or 5:00
 for physical therapy - except
 week ending 22nd only need
 18th off
 19th off
 20th off
 21st off
 22nd off
 23rd off
 24th off
 25th off
 26th off
 27th off
 28th off
 29th off
 30th off
 31st off

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
2	3	4	5	6	7	8
9 1-6:30	10 1-10	11 RO	12 1-10	13 1-10	14 1-10	15 1-10
16 1-6:30	17 1-10	18 RO appt 1:30	19 1-10	20 1-10	21 1-10	22 1-10
23 1-6:30	24 1-10	25 1-10	26 1-10	27 1-10	28 RO appt 2:30	29 1-10

Any Request off, please put "RO" with the corresponding Date
 Any Days you are not available to work, put an "X" with the corresponding Date

May Monthly Availability

Any Request off, please put "RO" with the corresponding Date
Any Days you are not available to work, put an "X" with the corresponding Date

Name: Amelia Lopez

*For health reasons - please
do not schedule more than
2 days in a row.*

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 /-8	2 /-8	3 X	4 /-8	5 /-8	6 /-8
7 /-6	8 /-8	9 /-8	10 /-8	11 /-8	12 /-8	13 /-8
14 /-6	15 /-8	16 /-8	17 /-8	18 /-8	19 /-8	20 /-8
21 /-6	22 /-8	23 /-8	24 /-8	25 /-8	26 /-8	27 /-8
28 /-6	29 /-8	30 /-8	31 /-8			

June Monthly Availability

Any Request off, please put "RO" with the corresponding Date

Any Days you are not available to work, put an "X" with the corresponding Date

Name: Linda Carol

No more than 2 days straight
Please.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 1-10	2 1-10	3 1-10
4 1-10	5 1-10	6 1-10	7 1-10	8 1-10	9 1-10	10 1-10
11 1-10	12 1-10	13 1-10	14 1-10	15 1-10	16 1-10	17 1-10
18 1-10	19 1-10	20 1-10	21 1-10	22 1-10	23 1-10	24 1-10
25 1-10	26 1-10	27 1-10	28 1-10	29 1-10	30 1-10	

A letter will be coming from Dr. Jakes confirming that I am still work 1-10 as I have for the past 2 years.

July Availability Sheet

*Any Request off, please put "RO" with the corresponding Date
Any Days you are not available to work, put an "X" with the corresponding Date*

Name:



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1						¹ 1-10
2	3	⁴ 1-6	⁵ 1-10	⁶ 1-10	⁷ 1-10	⁸ 1-10
9	¹⁰ 1-10	¹¹ 1-10	¹² 1-10	¹³ 1-10	¹⁴ 1-10	¹⁵ 1-10
¹⁶ 1-6:30	17	¹⁸ 1-10	¹⁹ 1-10	²⁰ 1-10	²¹ 1-10	²² 1-10
²³ 1:30-6:30	²⁴ 1-10	²⁵ 1-10	²⁶ 1-10	²⁷ 1-10	²⁸ 1-10	²⁹ 1-10
30 1-6:30	31					

Overnight travel in 8/6/06
 provided travel starting
 August Availability Sheet

Any Request off, please put "RO" with the corresponding Date
 Any Days you are not available to work, put an "X" with the corresponding Date

Name:

Michael Deard

Please give leave on Sat &
 Sun 1st & 2nd in on Tues &
 Thurs -

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Called to Olenka on 8/4/06 and changed to 2pm.					
6/1-6:30	7	8 2-10	9	10 2-10	11	12 2-10
13 1-6:30	14	15 2-10	16	17 2-10	18	19 2-10
20 1-6:30	21	22 2-10	23	24 2-10	25	26 2-10
27 1-6:30	28	29 2-10	30	31 2-10		

An accommodation request letter from doctor will be provided - this is temporary due to medical treatment

Revised in or
turned in on
8/9/06

All of the RO days are for
required medical treatments
I need to maintain
my usual # of weekly
sessions.

Any Request off, please put "RO" with the corresponding Date
Any Days you are not available to work, put an "X" with the corresponding Date

Name:

Shirley St. James

Please give me the next hours
or let I know when I am not in
treatment & complete with
me or please, thank you

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 1-10	2 1-10	3 1-10	4 1-10	5 1-10
6 1-6:30	7 RO	8 2-10	9 RO	10 2-10	11 RO	12 1-10
13 1-6:30	14 RO	15 2-10	16 RO	17 2-10	18 RO	19 1-10
20 1:6:30	21 RO	22 2-10	23 RO	24 2-10	25 RO	26 1-10
27 1:6:30	28 RO	29 2-10	30 RO	31 2-10		

ALABAMA SURGICAL CONSULTANTS, P.C.
4749 Berry Boulevard
Montgomery, AL 36106
(334) 271-0280

RETURN TO WORK OR SCHOOL

NAME Linda Beard

HAS BEEN UNDER MY CARE FROM 6/26/06

TO _____ AND IS ABLE TO RETURN TO

WORK ON when pt (Ms. Beard) feels capable to

NATURE OF ILLNESS OR INJURY Return to work

_____ RESTRICTIONS

_____ LIGHT DUTY

COMMENTS _____

DR. EADDY
DR. SNIDER

Howard C. Snider, Jr. DATE 6/28/06

Coldwater Creek

Confidential

To: Linda Beard

From: Kim Curry

Location: Store # 184, The Shoppes at EastChase

Date: August 29, 2006

Subject: Termination Notice

Based on our previous discussions with you, we are terminating your employment for:

1. *Failure to comply with company time and attendance policies.*

 8-29-06

Linda Beard

Date

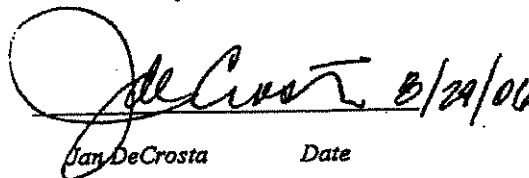
 8/29/06

Kim Curry

Date

Valerie Lee

Date

 8/29/06

Jan DeCrosta

Date

MAR-28-07 16:13 From:EEOC

2052122142

T-648 P.04 Job-734

CHARGE CRIMINATION

AGENCY

CHARGE NUMBER

☐ FEPA☒ EEOC

420-2007-00288

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

and EEOC

State or local Agency, if any

OCT 13 2006

NAME (Indicate Mr., Mrs., Ms., Mrs.)

Linda L. Beard

HOME TELEPHONE (Include Area Code)

(334) 409-9436

STREET ADDRESS

8305 Grand Oak Ct.

CITY, STATE AND ZIP CODE

Montgomery, Alabama 36117

DATE OF BIRTH

12/31/1949

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

Coldwater Creek

NUMBER OF EMPLOYEES, MEMBERS

300+

TELEPHONE (Include Area Code)

(334)-277-8575

STREET ADDRESS

7256 Eastchase Parkway,

CITY, STATE AND ZIP CODE

Montgomery, Alabama 36117

COUNTY

Montgomery

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box (es))

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☒ DISABILITY ☐ OTHER (Specify)

DATE OF DISCRIMINATION TOOK PLACE
EARLIEST LATEST

CONTINUING ACTION

080/29/06

My name is Linda L. Beard, white female, age 56. I was determined disabled as of June 2003. I have diagnosed fibromyalgia and degenerative disc disease. I was employed on or about June-5, 2004, as a sales clerk. At all times I performed my duties to the reasonable expectation of my employer. Until early 2006 there had been no complaints regarding my work performance as an employee.

In March 2006, my employer requested a letter from my doctor explaining my disability. Once my employer received the letter my work hours and functions changed. I felt that I was being discriminated against due to my disability. In early May, I was diagnosed with breast cancer and the discrimination seemed to escalate. On or about August 29, 2006, when I reported for work, I was asked to sign a paper explaining that I was being terminated for my failure to abide by the company's attendance policy. I felt I had not violated the policy, however, I signed the paper but disputed the contents. Since working at Coldwater I feel that my employment has been prejudiced due to my physical disability and unexpected health problems. During my employment my manager had complained a number of times about my inability to perform certain job functions. I was denied days and work hours. When I requested more work, I was told that my employer needed employees who could perform certain functions that my disability allegedly would not allow me to do. However, I was able and capable of doing the work regardless of my employer's belief as I had done while employed almost two years.

It is my belief that I am a victim of discrimination because of my disability in violation of the "Americans with Disabilities Act", including lack of cooperation regarding reasonable accommodation for unexpected health problems.

I want this charge filed with both the EEOC and the State or local Agency; if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY (When necessary for State and Local Requirements)

I swear of affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct

SIGNATURE OF COMPLAINANT

Date

Charging Party (Signature)

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Month, day and year) 10-11-2006

Page 1

Schedule - Linda Board

I am available 7 days a week 9 hours per day from 1:00pm to close. I prefer the afternoons and 5 hour shifts, 6 hours on Saturday. I have been employed since the store opened and ^{have} worked mostly afternoon hours and I should get priority for these hours.

For said those most available should get the most hours! If there are 26 hours available that I can work - I should get these hours. Other associates available 8 hours per day - 7 days a week should also get the most hours. Extended hours are being spread out among employees with limited availability.

Associates who work limited hours - such as nights and/or weekends or only a few days or morning per week should get the least hours. During

movies, movies, new hit movies.

STARZ!
an encore network

Page 2

slow times they should be cut back 1st to only 1-4 hr shift or as in the past - no hours some weeks. It is not fair at all for those with limited availability to get as many or more hours than those consistently available 8 hours most everyday. Plus new employees should not get more hours than long time employees who are available to work.

This is retail and those of us who make ourselves regularly available to work substantial part-time hours for this store, deserve the hours particularly during slow times. Those with only limited availability should fill in as needed.

I say this because I inquired about it and it is my understanding that consistent availability 8 hours a day - 7 days a week - matters a lot because it's retail - and your hours should be

movies, movies, new hit movies.

STARZ!
an encore network

Page 3

affected by your availability. Less availability should equal less hours. Why are new associates being hired to work hours that I am consistently available to work and want to work? It doesn't make sense ~~when~~ hours are limited.

I know hours are not guaranteed, but I was hired to work 26 hours per week, if there are hours available - that I am available to work - I should get to work them before associates with limited availability or who are new to the company do so. Other employees that are consistently available - 8 hours and 7 day deserve priority for hours also.

P.S. Kim said at a meeting being available is important to getting hours because after all - this is retail. The schedule does not reflect this.

Thankful for,
Linda

movies, movies, new hit movies.

STARZ!
an encore network

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

LINDA BEARD,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.:
v.)	
)	2:07-CV-790-MNT
COLDWATER CREEK, INC.,)	
)	
Defendant.)	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

**PLAINTIFF LINDA BEARD'S
APRIL 1, 2008 DEPOSITION
PART 1 OF 2**

American Court Reporting
toll-free (877) 320-1050

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CIVIL CASE NUMBER
2:07-CV-00790-MHT

LINDA BEARD,
Plaintiff,
vs.
COLDWATER CREEK, INC.,
Defendant.

VOLUME II OF THE
DEPOSITION TESTIMONY OF:
LINDA BEARD

April 1, 2008
1:24 p.m.

COURT REPORTER:
Gwendolyn P. Timbie, CCR

American Court Reporting
April 1, 2008

American Court Reporting
toll-free (877) 320-1050

Page 2	Page 4
<p>1 STIPULATIONS</p> <p>2 IT IS STIPULATED AND AGREED by and</p> <p>3 between the parties through their</p> <p>4 respective counsel that the deposition of</p> <p>5 LINDA BEARD, may be taken before Gwendolyn</p> <p>6 P. Timbie, Certified Court Reporter and</p> <p>7 Notary Public, State at Large, at the law</p> <p>8 office of Jay Lewis, Montgomery, Alabama,</p> <p>9 on April 1, 2008, commencing at</p> <p>10 approximately 1:24 p.m.</p> <p>11 IT IS FURTHER STIPULATED AND</p> <p>12 AGREED that the signature to and the</p> <p>13 reading of the deposition by the witness</p> <p>14 is waived, the deposition to have the same</p> <p>15 force and effect as if full compliance had</p> <p>16 been had with all laws and rules of Court</p> <p>17 relating to the taking of depositions.</p> <p>18 IT IS FURTHER STIPULATED AND</p> <p>19 AGREED that it shall not be necessary for</p> <p>20 any objections to be made by counsel to</p> <p>21 any questions, except as to form or</p> <p>22 leading questions, and that counsel for</p> <p>23 the parties may make objections and assign</p>	<p>1 INDEX</p> <p>2 EXAMINATION BY: PAGE NO:</p> <p>3 Ms. Singer 8</p> <p>4 Certificate 123</p> <p>5</p> <p>6 LIST OF EXHIBITS</p> <p>7 EXHIBITS: PAGE NO:</p> <p>8 Defendant's 23 33</p> <p>9 Defendant's 24 42</p> <p>10 Defendant's 25 43</p> <p>11 Defendant's 26 44</p> <p>12 Defendant's 27 48</p> <p>13 Defendant's 29 49</p> <p>14 Defendant's 31 50</p> <p>15 Defendant's 32 51</p> <p>16 Defendant's 33 52</p> <p>17 Defendant's 34 54</p> <p>18 Defendant's 36 56</p> <p>19 Defendant's 37 58</p> <p>20 Defendant's 38 60</p> <p>21 Defendant's 39 61</p> <p>22 Defendant's 41 63</p> <p>23 Defendant's 44 71</p>
Page 3	Page 5
<p>1 grounds at the time of trial or at the</p> <p>2 time said deposition is offered in</p> <p>3 evidence, or prior thereto.</p> <p>4 Please be advised that this is the</p> <p>5 same and not retained by the Court</p> <p>6 Reporter, nor filed with the Court.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>1 LIST OF EXHIBITS (Continued)</p> <p>2 EXHIBITS: PAGE NO:</p> <p>3 Defendant's 48 76</p> <p>4 Defendant's 49 77</p> <p>5 Defendant's 50 86</p> <p>6 Defendant's 56 93</p> <p>7 Defendant's 60 102</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

2 (Pages 2 to 5)

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April 1, 2008

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Page 6	Page 8
<p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE PLAINTIFF:</p> <p>4 KEITH A. NELMS, Esquire</p> <p>5 HEATHER DIXON, Esquire</p> <p>6 Attorney at Law</p> <p>7 Post Office Box 5059</p> <p>8 Montgomery, Alabama 36103-5059</p> <p>9</p> <p>10 FOR THE DEFENDANT:</p> <p>11 FERN H. SINGER, Esquire</p> <p>12 Baker, Donelson, Bearman, Caldwell</p> <p>13 & Berkowitz, P.C.</p> <p>14 420 20th Street North</p> <p>15 Suite 1600</p> <p>16 Birmingham, Alabama 35203</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>1 EXAMINATION BY MS. SINGER:</p> <p>2 Q. Ms. Beard, we needed you to be</p> <p>3 here at 1:00 today, correct?</p> <p>4 A. Right. I called and left a</p> <p>5 message with Andy that I was running</p> <p>6 behind.</p> <p>7 Q. How far behind were you?</p> <p>8 A. I guess whatever time it is I</p> <p>9 got here.</p> <p>10 Q. What time was that?</p> <p>11 A. When I walked in.</p> <p>12 Q. 1:15?</p> <p>13 A. I guess.</p> <p>14 Q. Well, do you know?</p> <p>15 A. No. I wasn't looking at my</p> <p>16 watch.</p> <p>17 Q. What time is it now?</p> <p>18 A. I guess 1:20.</p> <p>19 Q. Do you have any changes to</p> <p>20 your deposition from Part 1? Any changes</p> <p>21 to any answers?</p> <p>22 MR. NELMS: Not additions, but</p> <p>23 changes.</p>
Page 7	Page 9
<p>1 I, Gwendolyn P. Timbie, Certified</p> <p>2 Court Reporter and Notary Public for the</p> <p>3 State of Alabama at Large, acting as</p> <p>4 Commissioner, certify that on this date,</p> <p>5 pursuant to the Federal Rules of Civil</p> <p>6 Procedure, and the foregoing stipulation</p> <p>7 of counsel, there came before me at the</p> <p>8 law office of Jay Lewis, Montgomery,</p> <p>9 Alabama, commencing at approximately</p> <p>10 1:24 p.m. on April 1, 2008, Linda Beard,</p> <p>11 plaintiff in the above cause, for oral</p> <p>12 examination, whereupon the following</p> <p>13 proceedings were had:</p> <p>14</p> <p>15 LINDA BEARD,</p> <p>16 Having been first duly sworn, was examined</p> <p>17 and testified as follows:</p> <p>18</p> <p>19 COURT REPORTER: Usual</p> <p>20 stipulations?</p> <p>21 MR. NELMS: Yes.</p> <p>22</p> <p>23</p>	<p>1 Q. Changes.</p> <p>2 A. Yeah. There was one thing you</p> <p>3 said about -- you were saying that</p> <p>4 Coldwater Creek didn't know anything about</p> <p>5 my disability.</p> <p>6 Q. I didn't testify, Ms. Beard.</p> <p>7 A. Well, I mean, I don't know how</p> <p>8 else to put it. But you responded to</p> <p>9 something I said about Coldwater Creek not</p> <p>10 knowing anything about my disability prior</p> <p>11 to something. And I just wanted to</p> <p>12 clarify that when I -- Mary Ralph Russell</p> <p>13 that hired me -- the manager that hired</p> <p>14 me, when I went -- she had us come to the</p> <p>15 EastChase office to fill out some</p> <p>16 paperwork, you know, because the store</p> <p>17 wasn't ready yet.</p> <p>18 Q. Yes, ma'am.</p> <p>19 A. And when I went to fill out</p> <p>20 the paperwork there, I did tell her that I</p> <p>21 had applied for disability, you know.</p> <p>22 That I was pretty sure I was going to get</p> <p>23 it, but I hadn't started getting my</p>

3 (Pages 6 to 9)

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Page 10	Page 12
<p>1 payments yet. And stressed to her then 2 that it was real important that I get my 3 24 hours. And so she did know about it. 4 And -- 5 Q. Go ahead. 6 A. Also, you know -- because my 7 hours were cut a lot, I applied for -- 8 they have a program called the Helping 9 Hand that helps -- helps people pay bills 10 and stuff, you know, in an emergency-type 11 situation or whatever. And so my hours 12 were so drastically cut. And this was 13 before I was getting my payments. I 14 applied for the Helping Hand. 15 And I called the human resources 16 department instead of going through the 17 office, because I didn't really want 18 anybody at work to know about it because 19 they all gossip. And I figured -- I 20 couldn't trust the management not to talk 21 about it. So I called the human resources 22 department. And I'm pretty sure that I 23 told them my situation, about this was my</p>	<p>1 Q. For whom? 2 A. ASK. 3 Q. I'm sorry. For -- 4 A. ASK Telemarketing. 5 Q. And how long did you work for 6 ASK? 7 A. It was like two months or so. 8 Two and a half months, I think. 9 Q. And what's the reason you left 10 that job? 11 A. To take the job at Coldwater 12 Creek. 13 Q. So you're saying you told the 14 hiring person for Coldwater Creek in or 15 around June of '04 that you needed to work 16 24 hours, correct? 17 A. Right. 18 Q. Did you tell her anything else? 19 A. I told her that I had applied 20 for disability. 21 Q. All right. 22 A. You know. And that that was 23 why -- that that was why I needed to -- I</p>
Page 11	Page 13
<p>1 only source of income and I was waiting to 2 get my disability payments. 3 Q. Coldwater Creek was your only 4 source of income? 5 A. (Witness nodded head in the 6 affirmative.) 7 Q. Is that a yes? 8 A. Uh-huh. 9 Q. You have to answer out loud 10 for the court reporter. 11 A. Yes. 12 Q. But when you started working 13 for Coldwater Creek, you also had a 14 part-time job, correct? You had another 15 part-time job? 16 A. No. 17 Q. You had some job where you 18 were working as a telemarketer, did you 19 not? 20 A. I quit that job when I started 21 to work at Coldwater Creek. 22 Q. Well, what was that job? 23 A. With a telemarketer.</p>	<p>1 couldn't work in the mornings. That's why 2 I needed to come in at 1:00. And, you 3 know, that that was my -- this was my 4 income, and that's why I needed to work at 5 least 24 hours a week. 6 Q. Now, just one thing. Tell 7 me -- you mentioned that at some point 8 your hours were drastically cut. Tell me 9 when that happened, Ms. Beard. 10 A. Well, it was gradually during 11 the next few months. 12 Q. No. I need you to be very 13 specific. When were your hours first 14 drastically cut? What month? 15 A. August and -- August. 16 Q. Of what year, ma'am? 17 A. '04. 18 Q. So you're saying your hours 19 were cut -- 20 A. That's the month that I first 21 got help from the Helping Hand. 22 Q. And your testimony today is 23 that your hours began to be cut in August</p>

4 (Pages 10 to 13)

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Page 14	<p>1 of '04. Is that your testimony?</p> <p>2 A. Right. I mean, everybody's</p> <p>3 were cut. In other words, you know -- I</p> <p>4 told you they hired all these people.</p> <p>5 Everybody's were cut.</p> <p>6 But, I mean, I never really got 24</p> <p>7 hours. I think I might have -- I don't</p> <p>8 even know if I ever worked 24 hours.</p> <p>9 Maybe one time in the first month we were</p> <p>10 open.</p> <p>11 But in other words, the store didn't</p> <p>12 have -- undoubtedly didn't have the kind</p> <p>13 of traffic and everything that they</p> <p>14 expected it to have, I guess, because they</p> <p>15 hired so many people. And, you know, we</p> <p>16 weren't that busy. So everybody's hours</p> <p>17 were cut.</p> <p>18 And she promised -- like I told you</p> <p>19 before, there were a lot of people that</p> <p>20 were unhappy because they weren't getting</p> <p>21 the hours that they had been told they</p> <p>22 would get. And a lot of people -- some</p> <p>23 people quit after, you know, a few</p>	Page 16
Page 15	<p>1 months. Three or four months there were a</p> <p>2 few people who quit.</p> <p>3 Q. Who quit after a few months?</p> <p>4 A. There was one girl named Robin</p> <p>5 that quit after three or four months. And</p> <p>6 a lot of people were just real unhappy</p> <p>7 with the situation. And, you know -- and,</p> <p>8 of course, a lot of people had full-time</p> <p>9 jobs, and then there were some people that</p> <p>10 were married and they were just working,</p> <p>11 you know, for something to do and to get a</p> <p>12 discount. And it was -- you know, the</p> <p>13 money was not that much of a priority for</p> <p>14 them.</p> <p>15 Q. But you're testifying here</p> <p>16 today that everybody's hours started to be</p> <p>17 cut in August of '04?</p> <p>18 A. Uh-huh. Pretty much. I mean,</p> <p>19 you know, a lot of people's hours were</p> <p>20 cut. I mean, there was just a cutback.</p> <p>21 Q. In hours?</p> <p>22 A. In hours. From what most</p> <p>23 people had been told that they would be</p>	Page 17
	<p>1 working when they were hired.</p> <p>2 Q. Is there any time that your</p> <p>3 hours were then drastically cut again,</p> <p>4 Ms. Beard?</p> <p>5 A. When I was going through</p> <p>6 physical therapy.</p> <p>7 Q. And when was that, please?</p> <p>8 A. March of '06.</p> <p>9 Q. All right. So you're saying</p> <p>10 in March of '06. Tell me what you're</p> <p>11 complaining about in terms of your hours.</p> <p>12 A. The hours were cut down to</p> <p>13 only ten a week, and one time they were</p> <p>14 cut to five.</p> <p>15 Q. So are there two weeks in</p> <p>16 March of '06 that you're complaining</p> <p>17 about?</p> <p>18 A. No. There were several weeks</p> <p>19 when they were cut to ten and one week</p> <p>20 that they were cut to five. But, you</p> <p>21 know, by -- when I contacted Valerie Lee,</p> <p>22 she had the five changed to ten.</p> <p>23 Q. Does that have -- your hours</p>	
	<p>1 being cut in March of '06, does that have</p> <p>2 anything to do with your claim in this</p> <p>3 lawsuit?</p> <p>4 A. Right.</p> <p>5 Q. Tell me what it is.</p> <p>6 A. Because they were -- she cut</p> <p>7 my hours. It was retaliation and --</p> <p>8 because she -- you know, it was like she</p> <p>9 perceived that I wasn't physically able to</p> <p>10 do the work, to work regular hours. I</p> <p>11 mean, I just think it was a deliberate</p> <p>12 retaliation. And it was very deliberate</p> <p>13 the week that she cut them to five.</p> <p>14 Because I had already talked to Valerie</p> <p>15 Lee about the ten hours; that I wasn't</p> <p>16 happy with the ten. And she --</p> <p>17 Q. Who is "she"?</p> <p>18 A. Kim had said that Valerie Lee</p> <p>19 told her -- which she didn't really say</p> <p>20 Valerie Lee. She said "they" -- referring</p> <p>21 to corporate -- had told her that -- she</p> <p>22 said that they told her to schedule me for</p> <p>23 only ten hours. And I told Valerie Lee</p>	

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Page 18	<p>1 what she said, and Valerie Lee said that</p> <p>2 no, that's not true. I didn't tell her</p> <p>3 that and that she would discuss it with</p> <p>4 Kim.</p> <p>5 And then -- it was after that that</p> <p>6 Kim scheduled me to work five hours, and</p> <p>7 it was on a week that she was going to be</p> <p>8 out of town for a meeting in Idaho. And</p> <p>9 that week the schedule came out later than</p> <p>10 normal. Which it came out after she had</p> <p>11 left to go out of town, which to me was</p> <p>12 purposely done so that I couldn't get the</p> <p>13 hours changed, she thought. Because when</p> <p>14 I went to one of the other managers that</p> <p>15 was there in charge and said, you know,</p> <p>16 that I was unhappy about the hours --</p> <p>17 which they knew I would be before I even</p> <p>18 saw the schedule, after I had already</p> <p>19 complained, you know. And, of course,</p> <p>20 that's what they said. I'm sorry. Kim is</p> <p>21 out of town. There's nothing we can do.</p> <p>22 Like ha, ha, ha. You're stuck with five</p> <p>23 hours.</p>	Page 20
Page 19	<p>1 And what I did was call Valerie</p> <p>2 Lee's voice mail and left a message, you</p> <p>3 know, saying that I felt this was</p> <p>4 deliberate. I was very upset about it,</p> <p>5 you know, and that I didn't intend to put</p> <p>6 up with this.</p> <p>7 Q. How long were your hours</p> <p>8 drastically cut?</p> <p>9 A. And immediately my hours were</p> <p>10 changed.</p> <p>11 Q. To what?</p> <p>12 A. To ten.</p> <p>13 Q. Any --</p> <p>14 A. Because the schedule was</p> <p>15 already out. So, you know, getting me</p> <p>16 five more hours was like the best they</p> <p>17 could do on a schedule that had already</p> <p>18 been made.</p> <p>19 Q. So you're saying that the</p> <p>20 cutback of hours in March of '06 was in</p> <p>21 retaliation for you complaining to whom?</p> <p>22 A. I think the retaliation</p> <p>23 started after Kim made that smart</p>	Page 21
	<p>1 remark -- slanderous remark to me in</p> <p>2 February.</p> <p>3 Q. Of '06? Of '06?</p> <p>4 A. Right.</p> <p>5 Q. Did you file a charge of</p> <p>6 discrimination in February of '06?</p> <p>7 A. No.</p> <p>8 Q. When did you file your charge</p> <p>9 of discrimination? Do you remember?</p> <p>10 A. After I was terminated.</p> <p>11 Q. So it was after August of '06;</p> <p>12 is that correct?</p> <p>13 A. Right.</p> <p>14 Q. And are you saying that you</p> <p>15 knew you were being discriminated against</p> <p>16 as early as February of '06?</p> <p>17 A. No. It went on -- it came on</p> <p>18 gradually.</p> <p>19 Q. Well, when was the first time</p> <p>20 you think you were being discriminated</p> <p>21 against based on your alleged disability?</p> <p>22 MR. NELMS: Are you saying on</p> <p>23 hindsight now or at the present time?</p>	

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Page 22	<p>1 Q. What year?</p> <p>2 A. It was in '06.</p> <p>3 Q. What month?</p> <p>4 A. May.</p> <p>5 Q. And when you say "she," you're</p> <p>6 talking about Kim?</p> <p>7 A. Kim.</p> <p>8 Q. Any other time that your hours</p> <p>9 were drastically cut?</p> <p>10 A. They were cut in March and</p> <p>11 April. And then in May I was denied hours</p> <p>12 to work on the visual team. In other</p> <p>13 words, they were cut -- they were cut some</p> <p>14 in March. And then in April, after I had</p> <p>15 finished my physical therapy treatment,</p> <p>16 they were cut even more.</p> <p>17 Actually, in March -- at the first</p> <p>18 of March, I had more hours. In other</p> <p>19 words, when I went to her -- I'm getting</p> <p>20 confused. When I went to her, you know,</p> <p>21 and told her that -- you know, that</p> <p>22 something was wrong with me and that I was</p> <p>23 going to the doctor and getting tests and</p>	Page 24	<p>1 telling me if you would like to work on</p> <p>2 the visual team, we need a letter from</p> <p>3 your doctor releasing you, saying that you</p> <p>4 can work on the visual team, she</p> <p>5 purposely waited till after they had</p> <p>6 that -- after that work was done and</p> <p>7 after -- the day after I had been to my --</p> <p>8 to see the doctor -- the cancer doctor,</p> <p>9 who had, you know, given me all this</p> <p>10 overwhelming information about cancer. So</p> <p>11 I was, you know, not in a very good state</p> <p>12 of mind. She calls me in there to tell me</p> <p>13 you didn't get to work on the visual team</p> <p>14 because of your letter.</p> <p>15 And then, when I said, well, I could</p> <p>16 have provided a letter had I been told two</p> <p>17 weeks prior when I volunteered, which is</p> <p>18 what she should have done -- and this was</p> <p>19 very upsetting to me, you know, to find</p> <p>20 this out after the fact, because I needed</p> <p>21 those hours. And it would have been very</p> <p>22 good for me to have come in and worked</p> <p>23 with my fellow friendly --</p>
Page 23	<p>1 trying to find out what was wrong with</p> <p>2 me. And I was having a lot of pain, and</p> <p>3 we hadn't figured out what was wrong with</p> <p>4 me. So, you know, I was just having to</p> <p>5 deal with the pain and, you know, wasn't</p> <p>6 being -- hadn't been properly treated</p> <p>7 yet. That's when I got more hours.</p> <p>8 Then, after I started physical</p> <p>9 therapy and, you know, even -- I had some</p> <p>10 relief after just one treatment of</p> <p>11 physical therapy. And, you know, then I</p> <p>12 started to get less hours.</p> <p>13 Then in April -- my treatment ended</p> <p>14 on April -- I believe it was April 17th.</p> <p>15 Then my hours were cut even more in April,</p> <p>16 when I had finished physical therapy and</p> <p>17 was feeling better. Which it didn't make</p> <p>18 sense to me, you know, that I had more</p> <p>19 hours when I was feeling the worst. Then,</p> <p>20 when I felt better, my hours were cut</p> <p>21 more.</p> <p>22 Then, you know, when I volunteered</p> <p>23 to work on the visual team, instead of</p>	Page 25	<p>1 friends/associates to get my mind off of</p> <p>2 that information that I had just learned</p> <p>3 about, you know. And it was just so</p> <p>4 deliberate.</p> <p>5 And then, when I said that I could</p> <p>6 provide another letter and that I would</p> <p>7 provide it in case I needed it for any</p> <p>8 other situation, she was like no, no. We</p> <p>9 have a letter. We don't want another</p> <p>10 letter. We don't need another letter.</p> <p>11 Don't you dare provide another letter.</p> <p>12 They have a letter up there, and don't you</p> <p>13 get another letter. And I said, well, I</p> <p>14 am.</p> <p>15 And I went that Friday. This was on</p> <p>16 Thursday. I went the very next day --</p> <p>17 Q. What month?</p> <p>18 A. -- to Dr. Jakes and got a</p> <p>19 letter.</p> <p>20 Q. What month? What month?</p> <p>21 MR. NELMS: Just your</p> <p>22 responses to her questions.</p> <p>23 A. I'm sorry. It aggravates me.</p>

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Page 26	<p>1 So I get -- that's when I talk loud.</p> <p>2 It was -- this was on May the 18th,</p> <p>3 I believe. May the 19th or something like</p> <p>4 that.</p> <p>5 Q. Do you know whether you were</p> <p>6 working in March and April more or less</p> <p>7 hours than your co-associates at the</p> <p>8 store?</p> <p>9 A. I don't know. I just was</p> <p>10 going by the hours that I normally worked.</p> <p>11 Q. But you're saying that you</p> <p>12 were being treated differently by virtue</p> <p>13 of your disability when your hours were</p> <p>14 cut and then you were given hours back,</p> <p>15 correct?</p> <p>16 A. Right.</p> <p>17 Q. But you don't know what your</p> <p>18 co-associates were working? You don't</p> <p>19 know if they were working --</p> <p>20 A. To some degree.</p> <p>21 Q. Well, tell me what --</p> <p>22 A. I know -- I know, you know,</p> <p>23 that she gave certain hours to certain</p>	Page 28	<p>1 it for her, Ms. Beard?</p> <p>2 A. Because we didn't have that</p> <p>3 shift before, and she's the only person</p> <p>4 that worked that shift. And she started</p> <p>5 to work there and worked 3 to 6.</p> <p>6 Q. How do you know that they</p> <p>7 created it for her?</p> <p>8 A. Well, nobody else was working</p> <p>9 it but her.</p> <p>10 Q. Did somebody tell you?</p> <p>11 A. Well, if nobody else worked</p> <p>12 it -- she suddenly came to work and</p> <p>13 started working 3 to 6.</p> <p>14 Q. Ms. Beard, it may very well be</p> <p>15 that you're right. I don't know. I want</p> <p>16 to know if somebody told you they created</p> <p>17 that shift for her.</p> <p>18 A. I don't know. I can't</p> <p>19 remember.</p> <p>20 Q. Since the last time we met,</p> <p>21 have you looked for work?</p> <p>22 A. No.</p> <p>23 But they kept telling me that --</p>
Page 27	<p>1 people.</p> <p>2 Q. But were --</p> <p>3 A. And like they told me when I</p> <p>4 was having -- when I was going to physical</p> <p>5 therapy, one of the things they told me</p> <p>6 was that -- like I had never worked the</p> <p>7 3 to 6 shift before. It wasn't even a</p> <p>8 shift until they created it for this one</p> <p>9 person. Which, you know, they always gave</p> <p>10 me such a hassle, about it was such an</p> <p>11 ordeal to try to accommodate me by giving</p> <p>12 me certain shifts to accommodate my</p> <p>13 schedule for physical therapy or radiation</p> <p>14 treatment, but yet they could make up a</p> <p>15 new shift for this person to work 3 to 6</p> <p>16 when we didn't even have such a shift</p> <p>17 before. And 3 to 6 is not a busy time in</p> <p>18 the store.</p> <p>19 Q. Who is the "she"?</p> <p>20 A. The person they created that</p> <p>21 shift for? Ruth. And I can't remember</p> <p>22 her last name.</p> <p>23 Q. How do you know they created</p>	Page 29	<p>1 Q. Who is "they"?</p> <p>2 A. Management kept saying that</p> <p>3 like there were no shifts available. You</p> <p>4 know, like 1 to 6 or 2 to 6 that I usually</p> <p>5 worked. They weren't -- they</p> <p>6 didn't have -- those shifts were not</p> <p>7 available on certain days or something.</p> <p>8 And I could look on the schedule and there</p> <p>9 was such and such working that shift and</p> <p>10 another person working that shift.</p> <p>11 Q. Well, are you saying that you</p> <p>12 stopped getting a shift that began at</p> <p>13 1:00?</p> <p>14 A. On some days.</p> <p>15 Q. And --</p> <p>16 A. Or 2 to 6, you know.</p> <p>17 Q. If 1 to 6 wasn't available, 2</p> <p>18 to 6 was better for you. Is that what</p> <p>19 you're saying?</p> <p>20 A. No. Like when I was going to</p> <p>21 physical therapy, I was supposed to be</p> <p>22 like off three days a week. Like off on</p> <p>23 Monday, Wednesday, and Friday, preferably.</p>

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Page 30	<p>1 so that I could have time between the</p> <p>2 treatments, you know. Instead of having</p> <p>3 the treatments on Monday, Tuesday, and</p> <p>4 Wednesday, three days in a row, it's</p> <p>5 better to have a space between them --</p> <p>6 days between them.</p> <p>7 And then, you know, they'd schedule</p> <p>8 me like 3 to 6 on the days I could work,</p> <p>9 which was cutting my hours. Giving me</p> <p>10 less hours than I normally worked, because</p> <p>11 I normally worked 1 to 6 and occasionally</p> <p>12 2 to 6. And then they would tell me that</p> <p>13 there was no hours to work 1 to 6 on the</p> <p>14 days that I could work. You know, caused</p> <p>15 me to have less hours. But say it was a</p> <p>16 Tuesday and they gave me 3 to 6, and</p> <p>17 they'd say there's no shifts available</p> <p>18 when you can work. And I'd look on there</p> <p>19 and there were shifts that I normally</p> <p>20 worked that I could work. And they were</p> <p>21 just making that up.</p> <p>22 Q. So do you think that you were</p> <p>23 entitled to have priority over other</p>	Page 32	<p>1 A. No. But because of everything</p> <p>2 else she did, I -- wouldn't surprise me.</p> <p>3 Q. I understand you have these</p> <p>4 strong feelings. I want to know whether</p> <p>5 or not you have any evidence.</p> <p>6 A. How could I have evidence of</p> <p>7 it unless I was standing there watching</p> <p>8 her?</p> <p>9 Q. Ms. Beard, the answer is --</p> <p>10 A. No.</p> <p>11 Q. -- either yes or no. And your</p> <p>12 answer is no, correct?</p> <p>13 A. Right.</p> <p>14 Q. Are you taking any other</p> <p>15 medicine today that you were not taking</p> <p>16 the first time we met?</p> <p>17 A. I started taking the Topamax.</p> <p>18 Q. And what is that to treat,</p> <p>19 please?</p> <p>20 A. Migraines.</p> <p>21 MR. NELMS: Can you spell that</p> <p>22 for me, please?</p> <p>23 THE WITNESS: Topamax?</p>
Page 31	<p>1 people who were working those shifts?</p> <p>2 A. Well, there was just no excuse</p> <p>3 for why they were suddenly taking them</p> <p>4 away from me.</p> <p>5 Q. Well, I think I asked you this</p> <p>6 the first time, and I promised your lawyer</p> <p>7 that I won't rehash that. You went to</p> <p>8 physical therapy in March and April of</p> <p>9 '06; is that correct?</p> <p>10 A. Uh-huh.</p> <p>11 Q. Is that a yes?</p> <p>12 A. Yes.</p> <p>13 Q. Before March or April of '06,</p> <p>14 do you know how many days you were late</p> <p>15 coming to work?</p> <p>16 A. No. But I have reason to</p> <p>17 believe, too, that Kim may have changed my</p> <p>18 time and made me look late -- changed my</p> <p>19 time in the computer and made me appear to</p> <p>20 be late when I wasn't late. I wouldn't</p> <p>21 put it past her.</p> <p>22 Q. Well, do you have any evidence</p> <p>23 of that?</p>	Page 33	<p>1 MR. NELMS: Yes, ma'am.</p> <p>2 THE WITNESS: T-O-P-O-M-A-X</p> <p>3 (sic), I think.</p> <p>4 (WHEREUPON, a document was</p> <p>5 marked as Defendant's Exhibit Number 23</p> <p>6 and is attached to the original</p> <p>7 transcript.)</p> <p>8 Q. Ms. Beard, I'm going to show</p> <p>9 you what your lawyer, I think, has</p> <p>10 produced to me, which are documents that</p> <p>11 are marked as Exhibits 23 through 59.</p> <p>12 Do I understand this is what you</p> <p>13 found at home?</p> <p>14 A. Right.</p> <p>15 Q. Do you not have your glasses</p> <p>16 today again?</p> <p>17 A. I can see.</p> <p>18 Do you want me to flip through all</p> <p>19 this?</p> <p>20 Q. Well, I want -- on the first</p> <p>21 page -- let's try Exhibit 23 first. On</p> <p>22 the left-hand side, on the very top, it</p> <p>23 says still working 20 hours at the other</p>

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Page 34	<p>1 job. Do you see that?</p> <p>2 A. Uh-huh.</p> <p>3 Q. Is that a yes?</p> <p>4 A. Yes.</p> <p>5 Q. So does that mean that in</p> <p>6 August of '05 you were still working at</p> <p>7 the other job?</p> <p>8 A. Right.</p> <p>9 Q. And then, below that, it says</p> <p>10 no day off. What are you saying there? I</p> <p>11 mean, I know what the words mean. But</p> <p>12 what's the significance?</p> <p>13 A. Okay. After -- in other</p> <p>14 words -- and when I say still working 20</p> <p>15 hours at the other job, actually I was</p> <p>16 scheduled to work 20 hours at the other</p> <p>17 job. Although I didn't always work. I</p> <p>18 mean, I missed time because I couldn't --</p> <p>19 I was having trouble keeping up with the</p> <p>20 schedules. But -- because after I quit</p> <p>21 working 20 hours at my -- at that job, I</p> <p>22 had my hours cut to -- I was supposed to</p> <p>23 work 12 hours at the other job, and I</p>	Page 36	<p>1 was not getting enough hours at Coldwater</p> <p>2 Creek.</p> <p>3 Q. I'm with you now. And what</p> <p>4 was the name of the other company? Remind</p> <p>5 me.</p> <p>6 A. Or, actually, you could say</p> <p>7 that I expected -- because my hours had</p> <p>8 been so slack the summer before at</p> <p>9 Coldwater Creek. And, you know, that</p> <p>10 early spring we hadn't had -- the hours</p> <p>11 hadn't been very good. I anticipated that</p> <p>12 we might -- the hours might be slack. I</p> <p>13 had an opportunity to get another job, so</p> <p>14 I took it.</p> <p>15 Q. Were the hours slack for the</p> <p>16 other associates in Coldwater Creek the</p> <p>17 spring of '05?</p> <p>18 A. Summer of '05? Yes.</p> <p>19 Q. Summer of '05. All right.</p> <p>20 Now, this is your handwriting,</p> <p>21 correct, on Exhibit 23?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Is that a yes?</p>
Page 35	<p>1 was --</p> <p>2 Q. Hold on a second. All right.</p> <p>3 In August of '05, you still were working</p> <p>4 for the other company?</p> <p>5 A. Right.</p> <p>6 Q. So it's not that you quit</p> <p>7 working for the other company when you got</p> <p>8 your job at Coldwater Creek, correct?</p> <p>9 A. I didn't start working at the</p> <p>10 other -- I got the job at Coldwater Creek</p> <p>11 in '04.</p> <p>12 Q. In '04?</p> <p>13 A. I started for this other</p> <p>14 company in April of '05.</p> <p>15 Q. All right. So in August of</p> <p>16 '05, though, it reflects that you were</p> <p>17 still working at the ASK company, correct?</p> <p>18 A. No.</p> <p>19 Q. There's another company?</p> <p>20 A. Right. I went to work for</p> <p>21 another company --</p> <p>22 Q. All right.</p> <p>23 A. -- in April of '05 because I</p>	Page 37	<p>1 A. Right.</p> <p>2 Q. And when did you write these</p> <p>3 things?</p> <p>4 A. When I -- when I made that --</p> <p>5 that first thing that I had -- all that</p> <p>6 paperwork about my -- that I had turned in</p> <p>7 to you before about my --</p> <p>8 Q. What was marked at Exhibit</p> <p>9 Number 1?</p> <p>10 A. Yeah. Just my -- no. My</p> <p>11 notes that I gave you that -- the notes</p> <p>12 that just were showing how things</p> <p>13 happened. My documentation about how</p> <p>14 things happened over the period of time</p> <p>15 when I was working at Coldwater Creek.</p> <p>16 Q. I don't have that</p> <p>17 documentation.</p> <p>18 A. Yes, you do.</p> <p>19 Q. Are you talking about Exhibit</p> <p>20 Number 12?</p> <p>21 A. No. The --</p> <p>22 Q. Or Exhibit Number 13 or</p> <p>23 Exhibit Number 14?</p>

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<p>1 A. We gave it to you when we were 2 here last time. 3 Q. What was it, Ms. Beard? 4 Because I don't remember. All I have -- 5 everything -- 6 MR. NELMS: Were these your 7 handwritten notes? 8 THE WITNESS: Yeah. The 9 details of how the events took place. 10 MS. SINGER: Let's go off the 11 record. 12 1:50 p.m. 13 (Off-the-record discussion.) 14 2:01 p.m. 15 Q. All right. Look at Exhibit 16 Number 23, please. When did you write 17 that? 18 A. I don't know what the exact 19 date was. 20 Q. What year? 21 A. 2006. 22 Q. What prompted you to do that 23 in 2006?</p>	<p>1 to work and asking me to work on 2 Wednesday, which is why -- I was not 3 having a day off and kept telling me they 4 needed me to be available on Wednesday. 5 And so -- and I started putting myself 6 available on Wednesday, thinking that they 7 would give me a day off on one of the 8 other days, which sometimes they would. 9 As you can see, I would have a day 10 off on Thursday. Where I had that slash, 11 I would have a day off on Thursday or I'd 12 have a day off on Friday. But as you see, 13 where I put no day off is because they 14 scheduled me to work Wednesday, Thursday, 15 Friday, and Saturday. 16 Q. Well, you wanted 24 hours, 17 correct? 18 A. Not -- I didn't want 24 hours 19 when I was working the other job. I was 20 working the other job because they 21 wouldn't give me 24 hours. 22 Q. But you -- 23 A. And I kept saying to them --</p>
Page 39	Page 41
<p>1 A. I was just getting all my 2 information together. 3 Q. Why? 4 A. For my attorney. 5 Q. In 2006? 6 A. Yeah. I had already -- after 7 I came to see the attorney. 8 Q. All right. What does it mean 9 "no day off" that's written on the side of 10 what's been marked as Exhibit 23? 11 A. Okay. After I quit working 20 12 hours a week for OSI -- 13 Q. Yes, ma'am. 14 A. What I did was I had my hours 15 cut back at OSI to three days a week -- 16 Sunday, Monday, and Tuesday. Then I was 17 supposed to be off on Wednesday, and I was 18 supposed to work Thursday, Friday, and 19 Saturday at Coldwater Creek. 20 And I was filling out my 21 availability sheets to be available 22 Thursday, Friday, and Saturday at 23 Coldwater Creek, but they kept putting me</p>	<p>1 after I had cut my hours -- before I cut 2 my hours back -- back to just 12, like I 3 said, I kept telling them I would like to 4 quit the other job. If they would give me 5 enough hours, I'd just completely quit the 6 other job. 7 Then -- then I kept saying, when 8 they would get, you know -- when they were 9 giving me more hours than I wanted for 10 these -- on these four days, I said, you 11 know, if I quit my other job, will you -- 12 will I be able to get enough hours? We 13 can't guarantee that. I'd hate for you to 14 quit your other job because I just can't 15 guarantee that. 16 MR. NELMS: And who is this -- 17 you're altering your voice. 18 A. Kim. And then Janiece was the 19 one that was doing the schedule at that 20 time. 21 Q. Did that have anything to do 22 with your disability? 23 A. What?</p>

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Page 42	<p>1 Q. The fact that they couldn't</p> <p>2 guarantee you more hours, and so they</p> <p>3 didn't want you to quit your other job?</p> <p>4 A. Not that I know of.</p> <p>5 (WHEREUPON, a document was</p> <p>6 marked as Defendant's Exhibit Number 24</p> <p>7 and is attached to the original</p> <p>8 transcript.)</p> <p>9 Q. Let's go to Exhibit Number 24,</p> <p>10 please. And I think that you wrote some</p> <p>11 notes on the back of Exhibit Number 24,</p> <p>12 Ms. Beard. Do you remember when you wrote</p> <p>13 those notes?</p> <p>14 A. Do I remember exactly when I</p> <p>15 wrote them?</p> <p>16 Q. Yes, ma'am.</p> <p>17 A. No. I mean, I wrote them at</p> <p>18 that -- I wrote them the week that this</p> <p>19 occurred.</p> <p>20 Q. So what was the reason that</p> <p>21 you did that?</p> <p>22 A. Just for my own benefit.</p> <p>23 Q. Tell me -- I understand. But</p>	Page 44	<p>1 to.</p> <p>2 Q. Were you looking to see if</p> <p>3 people were getting more hours than you?</p> <p>4 A. Uh-huh.</p> <p>5 Q. Is that a yes?</p> <p>6 A. Yes.</p> <p>7 Q. And there were some people who</p> <p>8 were and some people who were not; is that</p> <p>9 correct.</p> <p>10 A. Right.</p> <p>11 (WHEREUPON, a document was</p> <p>12 marked as Defendant's Exhibit Number 26</p> <p>13 and is attached to the original</p> <p>14 transcript.)</p> <p>15 Q. All right. Let's look at the</p> <p>16 next exhibit, which is Exhibit Number 26.</p> <p>17 And what are you saying on this exhibit?</p> <p>18 Your handwritten notes. What's that all</p> <p>19 about?</p> <p>20 A. This is the week that -- well,</p> <p>21 from -- from Thursday of the week -- of</p> <p>22 the -- Exhibit 25 through Friday of</p> <p>23 Exhibit 26, they had me scheduled to work</p>
Page 43	<p>1 what -- how did it help you? What was the</p> <p>2 benefit to you?</p> <p>3 A. Just -- I don't know. Just</p> <p>4 what I -- I just did it. I have no</p> <p>5 explanation other than that.</p> <p>6 (WHEREUPON, a document was</p> <p>7 marked as Defendant's Exhibit Number 25</p> <p>8 and is attached to the original</p> <p>9 transcript.)</p> <p>10 Q. All right. Well, let's look</p> <p>11 at Exhibit Number 25, which is the next</p> <p>12 page. And you have -- I know that's</p> <p>13 Exhibit -- the first page of 25,</p> <p>14 Ms. Beard. And then, off to the right,</p> <p>15 you appear to have -- are you counting</p> <p>16 everybody's hours? Off to the right on</p> <p>17 Exhibit Number 25.</p> <p>18 A. Uh-huh.</p> <p>19 Q. Is that a yes?</p> <p>20 A. Yes.</p> <p>21 Q. And what's the reason you're</p> <p>22 doing that?</p> <p>23 A. Just to see what they add up</p>	Page 45	<p>1 49 hours.</p> <p>2 Q. All right. Now, is this in</p> <p>3 '06?</p> <p>4 A. Uh-huh.</p> <p>5 Q. Is that yes? Okay. And so</p> <p>6 you didn't want that many hours; is that</p> <p>7 correct?</p> <p>8 A. Well, that's too many hours</p> <p>9 for me to work. Forty-nine hours over --</p> <p>10 what is that? Eight? Nine straight days</p> <p>11 or whatever it is. However many days they</p> <p>12 had.</p> <p>13 Q. So that was too many hours; is</p> <p>14 that correct?</p> <p>15 A. Right. Without a day off in</p> <p>16 between. And one day is an</p> <p>17 eight-and-a-half hour day of inventory.</p> <p>18 And I had -- two or three of those days I</p> <p>19 had the hours cut back.</p> <p>20 Q. You asked --</p> <p>21 A. And then I --</p> <p>22 Q. You asked that they be cut</p> <p>23 back?</p>

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Page 46	<p>1 A. Right.</p> <p>2 Q. And did they cut it back?</p> <p>3 A. Right. And I -- then I</p> <p>4 wandered later, after all the trouble</p> <p>5 started and stuff, whether they actually</p> <p>6 changed it in the computer or whether they</p> <p>7 made it look like I was late.</p> <p>8 Q. Well, you don't have any</p> <p>9 evidence of that, correct?</p> <p>10 A. I said I wandered.</p> <p>11 Q. I only am interested in</p> <p>12 evidence. I know you wander about a lot</p> <p>13 of things, Ms. Beard. We all wander about</p> <p>14 a lot of things. This case is about</p> <p>15 needing evidence.</p> <p>16 MR. NELMS: What was the</p> <p>17 question again?</p> <p>18 MS. SINGER: I'm getting</p> <p>19 there.</p> <p>20 A. And the reason I had that many</p> <p>21 hours is because Santina was --</p> <p>22 Q. I didn't ask you any question</p> <p>23 yet.</p>	Page 48	<p>1 (WHEREUPON, a document was</p> <p>2 marked as Defendant's Exhibit Number 27</p> <p>3 and is attached to the original</p> <p>4 transcript.)</p> <p>5 Q. Now, on Exhibit Number 27,</p> <p>6 once again, you're marking out, to the</p> <p>7 right-hand side of that document, what</p> <p>8 everyone's hours were -- what everyone was</p> <p>9 working, correct?</p> <p>10 A. Right.</p> <p>11 Q. What was the reason you did</p> <p>12 that?</p> <p>13 A. Because I wanted to see how</p> <p>14 many hours everybody had.</p> <p>15 Q. What's the reason why you</p> <p>16 wanted to do that?</p> <p>17 A. I went back and did this after</p> <p>18 I started having problems. I didn't do</p> <p>19 this the week -- you know, at the time --</p> <p>20 Q. All right. And --</p> <p>21 A. Before I was having problems.</p> <p>22 I went back to check on it.</p> <p>23 Q. All right. Now, your problems</p>
Page 47	<p>1 Was there anything working -- why</p> <p>2 are you -- I ask the questions; you answer</p> <p>3 the questions. All right. If you don't</p> <p>4 want to do that, that's fine, and then we</p> <p>5 can just simply dismiss your lawsuit and</p> <p>6 cut to the chase.</p> <p>7 A. I didn't say anything.</p> <p>8 Q. No. You just -- you know,</p> <p>9 your expression is enough. Unfortunately,</p> <p>10 your expression can't be picked up by the</p> <p>11 court reporter. However, your expression</p> <p>12 will be extremely evident to a jury of</p> <p>13 yours peers.</p> <p>14 Now, was the scheduling of 49 hours</p> <p>15 in any way discriminatory?</p> <p>16 A. I guess not.</p> <p>17 Q. And then, when you asked to</p> <p>18 cut back the hours, that was done,</p> <p>19 correct?</p> <p>20 A. Right.</p> <p>21 Q. You explained that that was</p> <p>22 too many hours for you, correct?</p> <p>23 A. Right.</p>	Page 49	<p>1 began in March of '06, correct?</p> <p>2 A. Right.</p> <p>3 Q. Is there anything</p> <p>4 discriminatory about these hours that</p> <p>5 you've listed off to the side on Exhibit</p> <p>6 Number 27?</p> <p>7 A. (No response.)</p> <p>8 Q. Is that a complicated</p> <p>9 question, Ms. Beard?</p> <p>10 A. Probably not.</p> <p>11 (WHEREUPON, a document was</p> <p>12 marked as Defendant's Exhibit Number 29</p> <p>13 and is attached to the original</p> <p>14 transcript.)</p> <p>15 Q. Now, on the next -- on</p> <p>16 exhibit -- let's go to Exhibit 29,</p> <p>17 please. On Exhibit 29, you make a note</p> <p>18 that says "me -- 2 to 9:30." And then in</p> <p>19 -- what's that next thing that you write?</p> <p>20 Next to that.</p> <p>21 A. Margie sick.</p> <p>22 Q. All right. So were you</p> <p>23 filling in for Margie?</p>

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Page 50	<p>1 A. Uh-huh.</p> <p>2 Q. Is that a yes?</p> <p>3 A. Yes.</p> <p>4 Q. Was there anything</p> <p>5 discriminatory about you filling in for</p> <p>6 Margie?</p> <p>7 A. No.</p> <p>8 Q. Off to the left, that seems to</p> <p>9 have been cut off. It says "priority for</p> <p>10 afternoon hours," is that correct?</p> <p>11 A. I guess.</p> <p>12 Q. Do you know what that means?</p> <p>13 A. No. It doesn't look like</p> <p>14 "for", though, because that's too short a</p> <p>15 word.</p> <p>16 Q. Well, do you know --</p> <p>17 A. Too short for "for."</p> <p>18 Q. Well, priority, blank,</p> <p>19 afternoon hours. Do you know what you</p> <p>20 were trying to signal there?</p> <p>21 A. I have no idea.</p> <p>22 (WHEREUPON, a document was</p> <p>23 marked as Defendant's Exhibit Number 31</p>	Page 52	<p>1 Q. Now, on the next exhibit -- on</p> <p>2 Exhibit Number 32. Do you remember if you</p> <p>3 requested February 26th off and February</p> <p>4 27th off and March 1st off? Do you</p> <p>5 remember if you made those requests?</p> <p>6 A. What is this? February?</p> <p>7 Q. Yes, ma'am. It's February of</p> <p>8 '06.</p> <p>9 A. No, I don't remember. I was</p> <p>10 probably just off just like -- I just</p> <p>11 probably wrote that in for myself.</p> <p>12 Q. Was there anything</p> <p>13 discriminatory about that?</p> <p>14 A. No.</p> <p>15 (WHEREUPON, a document was</p> <p>16 marked as Defendant's Exhibit Number 33</p> <p>17 and is attached to the original</p> <p>18 transcript.)</p> <p>19 Q. All right. Let's go to the</p> <p>20 next exhibit, Number 33. Now, on the</p> <p>21 bottom, it says "Warning 3/11/06. So not</p> <p>22 fair." Did you write that?</p> <p>23 A. Uh-huh.</p>
Page 51	<p>1 and is attached to the original</p> <p>2 transcript.)</p> <p>3 Q. All right. Now, on Exhibit</p> <p>4 31 -- let's go to 31. Now, what is that</p> <p>5 written on the top?</p> <p>6 A. Oh, that's the -- this is</p> <p>7 when -- this is the week that -- it says</p> <p>8 that -- told to work visual at 8:00 in the</p> <p>9 morning if didn't drink. That's when she</p> <p>10 told me that about --</p> <p>11 Q. I'm with you.</p> <p>12 A. -- drinking.</p> <p>13 Q. I'm with you. And why is it</p> <p>14 that you crossed out on the right-hand</p> <p>15 side on Exhibit Number 31?</p> <p>16 A. It's probably where I had</p> <p>17 written some hours.</p> <p>18 Q. Then why did you cross it out?</p> <p>19 A. I don't know.</p> <p>20 (WHEREUPON, a document was</p> <p>21 marked as Defendant's Exhibit Number 32</p> <p>22 and is attached to the original</p> <p>23 transcript.)</p>	Page 53	<p>1 Q. And then you say, at the very</p> <p>2 end, "I hate that B." Would "B" be bitch?</p> <p>3 A. Right.</p> <p>4 Q. And are we talking about Kim?</p> <p>5 A. Uh-huh.</p> <p>6 Q. Is that a yes?</p> <p>7 A. Yes.</p> <p>8 Q. And you and Kim didn't like</p> <p>9 each other, correct? Or you didn't like</p> <p>10 Kim?</p> <p>11 A. I didn't like her after she --</p> <p>12 I didn't like her after the -- after that</p> <p>13 first time of the warning, when she told</p> <p>14 me, you know, not to worry about it and</p> <p>15 then six days later I got the warning.</p> <p>16 Q. So that was in March of '06;</p> <p>17 is that correct?</p> <p>18 A. No. That was in December.</p> <p>19 Q. December of '05. So after</p> <p>20 December of '05, you didn't like her?</p> <p>21 A. Yeah. Because she, you know,</p> <p>22 lied to my face. And then, after the</p> <p>23 thing she said to me that was so</p>

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Page 54	<p>1 slanderous -- I mean, how can you like 2 somebody that acts like that? 3 Q. I don't have to answer any 4 questions, Ms. Beard. 5 Now, in terms of this exhibit, which 6 is Exhibit Number 33, do you recall 7 working 20 hours that week? 8 A. I guess. 9 Q. There's nothing discriminatory 10 about your schedule noted on Exhibit 33, 11 is there? 12 A. No. 13 (WHEREUPON, a document was 14 marked as Defendant's Exhibit Number 34 15 and is attached to the original 16 transcript.) 17 Q. Now, on Exhibit Number 34, on 18 the very bottom -- 19 A. That's when I was sick. This 20 is when I was really sick. 21 Q. Well, there's nothing 22 discriminatory about this schedule, is 23 there?</p>	Page 56	<p>1 that week. And so it's probably something 2 that she told me that -- you know, some 3 problems with the schedule or something, 4 or accommodating me for the physical 5 therapy or something. 6 Q. Do you remember? 7 A. Specifically what it was? No. 8 Q. Do you know if there's 9 anything discriminatory about this 10 schedule? What we've marked as Exhibit 11 Number 34. 12 A. I don't know. It looks like 13 it was changed some. So I don't know. 14 Q. Was it a change because you 15 had a doctor's appointment? 16 A. I'm not sure. 17 (WHEREUPON, a document was 18 marked as Defendant's Exhibit Number 36 19 and is attached to the original 20 transcript.) 21 Q. Let's look at Exhibit Number 22 36. Are you saying here, on Exhibit 36, 23 that you were called in but weren't given</p>
Page 55	<p>1 A. Huh-uh. 2 Q. No. Okay. No; is that 3 correct? 4 A. Right. 5 Q. On Exhibit Number 34, on the 6 bottom, you write, Kim, idiot and lies and 7 lies and lies and more lies, correct? 8 A. Uh-huh. 9 Q. Do you know what prompted you 10 to write that? Do you recall? 11 A. (No response.) 12 Q. Do you recall what prompted 13 you to write that, Ms. Beard? 14 A. I'm trying to see if anything 15 on here makes -- recalls my memory. 16 Q. Okay. 17 A. It probably had something to 18 do with what was going on with -- because 19 I see I had my MRI that week, and I called 20 Valerie Lee and I was scheduled for a lot 21 of hours. 22 Q. Was there -- 23 A. I was having a lot of pain</p>	Page 57	<p>1 much notice? 2 A. Right. 3 Q. Do you remember how much 4 notice you were given? 5 A. No. But it was -- it 6 wasn't -- it was later than normal and, 7 you know, really unexpected. 8 Because out of all the times that 9 I've ever been scheduled to be on call, 10 you know, it was probably one or two times 11 they ever called you in. You know, when 12 you see on call on there, it practically 13 means you're off. Which to me -- and 14 she's the only one that started doing the 15 on call, was Kim, because you -- when -- 16 there was supposed to be one or two people 17 that were hired to be on call -- people to 18 work on call. None of the rest of us were 19 hired to work on call. And I didn't like 20 being on call because that didn't work for 21 me. 22 Q. Sure. But other people were 23 on call as well, correct?</p>

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Page 58	<p>1 A. Right.</p> <p>2 And, you know, another thing that</p> <p>3 she did, the week that I was scheduled to</p> <p>4 have my surgery --</p> <p>5 Q. When was that?</p> <p>6 A. June.</p> <p>7 Q. Why don't we wait till we get</p> <p>8 to June.</p> <p>9 A. Okay.</p> <p>10 (WHEREUPON, a document was</p> <p>11 marked as Defendant's Exhibit Number 37</p> <p>12 and is attached to the original</p> <p>13 transcript.)</p> <p>14 Q. Go to what's been marked as</p> <p>15 Exhibit Number 37. And here you're</p> <p>16 complaining -- at least your note reflects</p> <p>17 that there were plenty of 1 to 6 and 2 to</p> <p>18 6 shifts, but that you were given 3 to 6</p> <p>19 shifts; is that correct?</p> <p>20 A. Right.</p> <p>21 Q. And Ruth was also due to work</p> <p>22 3 to 6, correct?</p> <p>23 A. Right.</p>	Page 60	<p>1 working to make money. And you don't make</p> <p>2 much money if you go in three days a week</p> <p>3 from 3 to 6 and use your gas to drive to</p> <p>4 work 3 to 6, when you can go in, you know,</p> <p>5 one day and work six hours or five hours.</p> <p>6 That's ridiculous.</p> <p>7 Q. So you think it was poor</p> <p>8 management; is that right?</p> <p>9 A. No. I think it was -- I think</p> <p>10 she did it to me on purpose.</p> <p>11 Q. Well, what about the other</p> <p>12 workers?</p> <p>13 A. Well, some people would rather</p> <p>14 work short shifts.</p> <p>15 Q. But there --</p> <p>16 A. Some people got there and were</p> <p>17 ready to leave five minutes after they got</p> <p>18 there, you know. I don't know why they</p> <p>19 came in. They were like, can I go home</p> <p>20 early?</p> <p>21 (Recess taken.)</p> <p>22 (WHEREUPON, a document was</p> <p>23 marked as Defendant's Exhibit Number 38</p>
Page 59	<p>1 Q. When you were due to work at</p> <p>2 3:00, Ms. Beard, were you able to get</p> <p>3 there on time?</p> <p>4 A. I don't know.</p> <p>5 Q. Does that mean you were</p> <p>6 sometimes late for the 3:00 shift?</p> <p>7 A. Maybe.</p> <p>8 Q. Do you have any documentation</p> <p>9 regarding that?</p> <p>10 A. What do you mean</p> <p>11 documentation?</p> <p>12 Q. Well, any notes that you</p> <p>13 showed up late.</p> <p>14 A. I don't know.</p> <p>15 Q. You would know, wouldn't you?</p> <p>16 You either do or you don't have any.</p> <p>17 A. I don't -- I'm not sure. But</p> <p>18 I didn't like working 3 to 6. Made me</p> <p>19 mad.</p> <p>20 Q. But there were other people</p> <p>21 who were asked to work 3 to 6, correct,</p> <p>22 Ms. Beard?</p> <p>23 A. I guess. But, you know, I was</p>	Page 61	<p>1 and is attached to the original</p> <p>2 transcript.)</p> <p>3 Q. Now, here, on Exhibit Number</p> <p>4 38, you write that I might be on time more</p> <p>5 if I was not so upset and stressed by all</p> <p>6 the harassment. That's your handwriting,</p> <p>7 correct?</p> <p>8 A. Right.</p> <p>9 Q. Do you remember when you wrote</p> <p>10 that, Ms. Beard?</p> <p>11 A. Probably when -- that week.</p> <p>12 Q. And so are you conceiving here</p> <p>13 that you were late?</p> <p>14 A. Well, I never said I was not</p> <p>15 ever late.</p> <p>16 Q. And I think you told me in</p> <p>17 Part I of your deposition an employer has</p> <p>18 the right to expect employees to come to</p> <p>19 work on time, correct?</p> <p>20 A. Right.</p> <p>21 Q. Thank you.</p> <p>22 (WHEREUPON, a document was</p> <p>23 marked as Defendant's Exhibit Number 39</p>

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Page 62	<p>1 and is attached to the original 2 transcript.) 3 Q. Let's look at the next 4 exhibit, which is Exhibit Number 39. What 5 are you writing on the right-hand side of 6 this, on top of this exhibit? Can you 7 tell me what that says? 8 A. I just can't tell what it 9 says. 10 Q. Well, on the back of this 11 document, on Exhibit Number 39, you note 12 that on Wednesday and Thursday, which is 13 April 19th and April 20th -- you note that 14 you're on time. Do you see that? That is 15 your handwriting, correct? 16 A. Uh-huh. 17 Q. Is that a yes? 18 A. Yes. 19 Q. Why did you note "on time" on 20 the back of this exhibit? Defendant's 21 Exhibit Number 39. 22 A. Maybe -- somewhere in there -- 23 I don't know if it was -- it might have</p>	Page 64	<p>1 is that Janice? And then it says 13; is 2 that correct? 3 A. Uh-huh. 4 Q. Is that a yes? 5 A. Yes. 6 Q. What are you trying to signify 7 there, Ms. Beard? 8 A. I think I was figuring out how 9 many hours it is with your -- if you count 10 your -- well, I don't see any on-call 11 hours. So I don't know what I was doing. 12 Q. Why were you looking at what 13 other people were working? 14 A. I just told you. Because I 15 had had a problem with my hours. I mean, 16 I have been saying that all along. 17 Q. But you also said that 18 everybody who were working part time for 19 Coldwater Creek also had problems with 20 their hours, correct? 21 A. In '04. 22 Q. What about in '05? 23 A. Well, this is '06.</p>
Page 63	<p>1 been after I had -- because Jan, the 2 district manager, come. You know, she had 3 started as the district manager. And she 4 came in and met me and told me, you know, 5 that I had to be on time every day. So I 6 was trying to get -- I was watching my 7 time more closely. I don't know if that 8 was it or not. 9 Q. Well, because you knew being 10 on time was important to the employer, to 11 Coldwater Creek, correct? 12 A. Right. 13 (WHEREUPON, a document was 14 marked as Defendant's Exhibit Number 41 15 and is attached to the original 16 transcript.) 17 Q. Let's go to Exhibit Number 18 41. 19 A. But -- can I say something? 20 Q. No. Let's actually go to 21 Exhibit Number 40 -- yeah, 41. Now, over 22 to the right-hand side on Exhibit 41, you 23 note "me," I think 17, and then maybe --</p>	Page 65	<p>1 Q. Well, I'm asking you about 2 '05. 3 A. I don't know what -- you know, 4 I don't know about '05. I just -- all I 5 know is that, you know, the hours weren't 6 that many -- there weren't enough hours in 7 '05 that, you know, I was willing to quit 8 my job that I started at OSI, because I 9 didn't love that job that much -- that I 10 was willing to quit it, because I knew I 11 was going to get enough hours at Coldwater 12 Creek. Because I would have done that, 13 because I preferred to work at Coldwater 14 Creek. 15 Q. But there weren't any -- 16 A. But that's the only thing I 17 can say about it. 18 Q. But there weren't enough hours 19 in '05, correct? 20 A. To the best of my memory. 21 Because if there was so many hours, I 22 would have quit. 23 Q. You would have quit OSI?</p>

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<p>1 A. Right.</p> <p>2 Q. Do you have any -- either from</p> <p>3 looking at -- either from your memory or</p> <p>4 just looking at documents either -- from</p> <p>5 '06, do you have any recollection what</p> <p>6 other people worked in '05?</p> <p>7 A. I mean, what do you mean what</p> <p>8 they worked?</p> <p>9 Q. Other hours. Were they</p> <p>10 working more or fewer hours than you?</p> <p>11 A. Well, obviously they were</p> <p>12 working more than I was, because I was</p> <p>13 working -- I was working my other job. So</p> <p>14 I wasn't -- I wasn't as worried about it.</p> <p>15 You know, I didn't -- well, first of all,</p> <p>16 we didn't make -- we didn't have</p> <p>17 availability sheets then, because Mary</p> <p>18 Ralph was still there. Kim wasn't there.</p> <p>19 And she didn't do availability sheets.</p> <p>20 And for one thing, Mary Ralph never</p> <p>21 gave me very many hours. When Mary Ralph</p> <p>22 was there, the one thing I can say that</p> <p>23 she did that I felt was discriminating was</p>	<p>1 the busiest times. During Christmas and</p> <p>2 during the busiest times of day. Became</p> <p>3 very good at it. So her judgment of my</p> <p>4 ability to cashier was totally wrong. But</p> <p>5 for the whole first -- until after Kim</p> <p>6 came -- Karen and then came there, I</p> <p>7 didn't get to cashier.</p> <p>8 Q. But you said other people</p> <p>9 couldn't cashier as well, correct?</p> <p>10 A. Right. She discriminated</p> <p>11 against several people.</p> <p>12 Q. Let's look at --</p> <p>13 A. I don't know why she</p> <p>14 discriminated against them.</p> <p>15 Q. But look. In '06, in the</p> <p>16 documents that we've been looking at --</p> <p>17 A. But she also cut my hours a</p> <p>18 lot.</p> <p>19 Q. In '06, are you working</p> <p>20 greater or fewer hours than most of your</p> <p>21 colleagues?</p> <p>22 A. It varies. What she tends to</p> <p>23 do -- one of the things that Kim tended to</p>
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<p>1 -- I was slower to learn how to cashier.</p> <p>2 And she never let me cashier. She told me</p> <p>3 I was too slow. She never let me</p> <p>4 cashier. In fact, I think she did -- she</p> <p>5 discriminated to several other people the</p> <p>6 same way.</p> <p>7 And once she left -- right before</p> <p>8 she left, she hired Diane, who was an</p> <p>9 assistant manager, and Karen, who was an</p> <p>10 assistant manager. And both of them were</p> <p>11 very good about training -- there was me</p> <p>12 and a couple of other people that wanted</p> <p>13 to learn how to cashier better. I mean, I</p> <p>14 had done it a little bit. Most -- most of</p> <p>15 the time -- I mean, I could do the very</p> <p>16 basics, but most of the time, you know,</p> <p>17 you needed help. Because if it's not</p> <p>18 something you do on a -- I'm the type, if</p> <p>19 I don't do it on a regular basis, I don't</p> <p>20 -- it doesn't stick with me.</p> <p>21 And, anyway, I learned how to do</p> <p>22 everything really well. And like -- I've</p> <p>23 mentioned this before. I cashied during</p>	<p>1 do was, she would hire new people. When</p> <p>2 she hired new people, she'd hire them and</p> <p>3 give them -- after -- the first week or</p> <p>4 so, she might give them just average hours</p> <p>5 and then, all of a sudden, she'd give them</p> <p>6 like 20 hours. For two or three weeks,</p> <p>7 she'd just give all the hours to them.</p> <p>8 Q. So that affected you, correct?</p> <p>9 A. Yeah. She'd take hours away</p> <p>10 from other people to give to them.</p> <p>11 Q. So it not only affected you,</p> <p>12 but it affected other people who were</p> <p>13 working there, correct?</p> <p>14 A. I don't really know that much</p> <p>15 about the other people, you know, because</p> <p>16 it was not my business to tend to theirs.</p> <p>17 Q. Well, this is the question:</p> <p>18 You said that Kim took hours away from the</p> <p>19 people who were there to give it to the</p> <p>20 new people, correct? Isn't that what you</p> <p>21 just testified?</p> <p>22 A. She might have taken some from</p> <p>23 them. I don't know. I know she took some</p>

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Page 70	<p>1 from me.</p> <p>2 Q. Are you sure about that?</p> <p>3 A. Uh-huh.</p> <p>4 Q. And so if we studied the</p> <p>5 number of hours that are on Exhibits 23</p> <p>6 through 59, we'll be able to determine</p> <p>7 whether or not you worked fewer or greater</p> <p>8 hours than your colleagues?</p> <p>9 A. I know that my hours were</p> <p>10 different.</p> <p>11 Q. Different than what?</p> <p>12 A. Than what they had been.</p> <p>13 Q. From '05?</p> <p>14 A. No.</p> <p>15 Q. When were your hours</p> <p>16 different?</p> <p>17 A. My hours were more in January</p> <p>18 and February and the first of March.</p> <p>19 Q. Of '06?</p> <p>20 A. The first of March I was</p> <p>21 working -- like I said, I had 20, 23, 24</p> <p>22 hours.</p> <p>23 Q. And then they got cut back in</p>	Page 72	<p>1 transcript.)</p> <p>2 Q. I'm going to show you what</p> <p>3 we've marked as Exhibit 44. And off next</p> <p>4 to your name -- I guess on Wednesday, May</p> <p>5 24, '06, and Thursday, May 25, '06 -- you</p> <p>6 say "upset - upset." Were you scheduled</p> <p>7 to be off on those days?</p> <p>8 A. No. I swapped with Tanya</p> <p>9 because I had a doctor's appointment.</p> <p>10 Q. All right.</p> <p>11 A. And Kim didn't like it.</p> <p>12 Q. But you did swap, correct?</p> <p>13 A. Right. We were supposed to be</p> <p>14 able to do that, but she had to make a big</p> <p>15 deal about it.</p> <p>16 Q. Is it your testimony that she</p> <p>17 made a big deal about it every time</p> <p>18 someone swapped?</p> <p>19 A. No.</p> <p>20 Q. Only when you swapped?</p> <p>21 A. Only on this particular</p> <p>22 occasion.</p> <p>23 Q. Only on this one occasion; is</p>
Page 71	<p>1 March and April. That's your testimony?</p> <p>2 A. Yeah. I got ten, five, ten.</p> <p>3 Q. And this was in 2006, correct?</p> <p>4 A. Uh-huh. And other people had</p> <p>5 15. There were several weeks in there --</p> <p>6 you know, I'll have to go back and go over</p> <p>7 it. There were some weeks in there when</p> <p>8 other people had repeatedly had 15, 18,</p> <p>9 18, 18, and I repeatedly had 10, 10, 10.</p> <p>10 Q. And looking at what you've</p> <p>11 produced and what we've marked as 29</p> <p>12 through 59 -- or 29 through -- we'll go</p> <p>13 through them -- will support that. Is</p> <p>14 that your testimony?</p> <p>15 A. I think.</p> <p>16 Q. Well, do you have anything</p> <p>17 else that would support that? Any new</p> <p>18 documents that you haven't already given</p> <p>19 to your lawyer?</p> <p>20 A. No.</p> <p>21 (WHEREUPON, a document was</p> <p>22 marked as Defendant's Exhibit Number 44</p> <p>23 and is attached to the original</p>	Page 73	<p>1 that correct?</p> <p>2 A. And this is when I -- you</p> <p>3 know, this is for my -- related to my</p> <p>4 cancer.</p> <p>5 Q. On the right-hand side of this</p> <p>6 exhibit, it shows that you worked 11 hours</p> <p>7 that week, correct?</p> <p>8 A. Right.</p> <p>9 Q. And that falls pretty much</p> <p>10 within the range of what everybody who was</p> <p>11 a part-time associate of Coldwater Creek</p> <p>12 in Montgomery worked that week. Isn't</p> <p>13 that so?</p> <p>14 A. Sort of. I could have worked</p> <p>15 more.</p> <p>16 Q. Well, Joely worked 11 and Lois</p> <p>17 worked 11 and Tanya worked 11, then it</p> <p>18 shows that you worked 11 and that Jeanette</p> <p>19 worked 11 and Tanico worked 11. You see</p> <p>20 that, correct?</p> <p>21 A. Uh-huh.</p> <p>22 Q. Is that a yes?</p> <p>23 A. (Witness nodded head in the</p>

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<p>1 affirmative.)</p> <p>2 Q. You have to speak aloud,</p> <p>3 Ms. Beard.</p> <p>4 A. Yes.</p> <p>5 Q. But your testimony is that you</p> <p>6 wanted to work more hours, correct?</p> <p>7 A. Right. I had -- I requested</p> <p>8 to work as many hours as possible because</p> <p>9 I was going to have to take a leave of</p> <p>10 absence at some point in time. And so I</p> <p>11 needed to work as much as possible while I</p> <p>12 was able. Not have my hours cut to five</p> <p>13 and ten.</p> <p>14 Q. Well, the only time your hours</p> <p>15 were cut to five and ten was in March of</p> <p>16 '06, correct?</p> <p>17 A. Actually, I think that was</p> <p>18 April.</p> <p>19 Q. Well, it only happened on one</p> <p>20 occasion. Isn't that true, Ms. Beard?</p> <p>21 The documents will speak for themselves</p> <p>22 when that happened. Although your</p> <p>23 testimony may be -- on the subject. I'm</p>	<p>1 A. Right.</p> <p>2 Just tell me what number.</p> <p>3 Q. Well, I don't have the numbers</p> <p>4 on my page. I apologize for that.</p> <p>5 (WHEREUPON, a document was</p> <p>6 marked as Defendant's Exhibit Number 48</p> <p>7 and is attached to the original</p> <p>8 transcript.)</p> <p>9 Q. I'm going to show you what</p> <p>10 we've marked -- I think that's Exhibit</p> <p>11 Number 48. And it says worked till 8:00</p> <p>12 on Saturday. What was the reason, if you</p> <p>13 remember, you wrote that?</p> <p>14 A. Because I did work till 8.</p> <p>15 Q. Is that a complaint that</p> <p>16 you're writing, that you worked until 8?</p> <p>17 A. No. I'm just notating it.</p> <p>18 Q. I want to understand,</p> <p>19 Ms. Beard, the reason you noted it.</p> <p>20 A. Because it wasn't scheduled.</p> <p>21 I wasn't scheduled to work till 8.</p> <p>22 Q. But this gave you --</p> <p>23 A. I was scheduled to work till</p>
Page 75	Page 77
<p>1 not sure. But it only happened on one</p> <p>2 occasion. Isn't that true?</p> <p>3 A. The five?</p> <p>4 Q. Yes, ma'am.</p> <p>5 A. Right. It shows her intent.</p> <p>6 Q. It shows Kim's intent?</p> <p>7 A. Uh-huh.</p> <p>8 Q. To do what, Ms. Beard?</p> <p>9 A. To retaliate.</p> <p>10 Q. By taking away hours from you?</p> <p>11 A. Uh-huh.</p> <p>12 Q. On that one occasion?</p> <p>13 A. Well, I'm sure she would have</p> <p>14 done it more than once if she could have</p> <p>15 gotten by with it.</p> <p>16 Q. Did she do it --</p> <p>17 A. She would have given me no</p> <p>18 hours if she could have gotten by with it.</p> <p>19 Q. Did she do it more than once?</p> <p>20 A. No. Because she couldn't get</p> <p>21 by with it.</p> <p>22 Q. The company stepped in and did</p> <p>23 something about it?</p>	<p>1 5.</p> <p>2 Q. Sure. But then you got</p> <p>3 additional hours, correct?</p> <p>4 A. Right.</p> <p>5 Q. That was a good thing,</p> <p>6 correct?</p> <p>7 A. Right.</p> <p>8 (WHEREUPON, a document was</p> <p>9 marked as Defendant's Exhibit Number 49</p> <p>10 and is attached to the original</p> <p>11 transcript.)</p> <p>12 Q. All right. On the next</p> <p>13 exhibit, I guess on the left-hand side of</p> <p>14 this, it says, I'm so blessed in spite of</p> <p>15 you, Kim.</p> <p>16 A. Uh-huh.</p> <p>17 MR. NELMS: Linda, you're</p> <p>18 going to have to say --</p> <p>19 A. Yes.</p> <p>20 MR. NELMS: Sorry. I know</p> <p>21 it's -- I could never get it right myself,</p> <p>22 to be honest with you, if I were being</p> <p>23 deposed.</p>

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Page 78	<p>1 A. Well, we passed the week I 2 told you I wanted to tell you something 3 about the week I had surgery, which was 4 June the 26th. 5 Q. Well, sure. Tell me what you 6 want to tell me about surgery in June of 7 '06. 8 A. Well, the week that I was -- I 9 had surgery on June the 26th, which is a 10 Monday. 11 Q. Yes, ma'am. 12 A. And when I turned in my 13 availability sheet, I put that I would be 14 available to work Friday and Saturday of 15 that week, because my doctor had told me 16 that I probably only -- 17 Q. Hold on a second. Let's talk 18 about actual dates so that you don't go 19 off on a tangent here. 20 Are you talking about you'd be able 21 to work on June 30th and July 1st of '06? 22 A. This is so faded. I can't see 23 the dates. Right.</p>	Page 80	<p>1 forever again. And you'll note that we 2 have more on-call shifts, what, the very 3 next week. 4 Q. And what's your point? 5 A. My point is that she lies. 6 Q. Well, what does that have to 7 do -- that's discriminatory? 8 A. Well, it was very stressful to 9 me. I didn't need to be told -- you know, 10 to go through this stress. I needed -- 11 like I said, I needed to work as much as I 12 possibly could. I didn't need to go 13 through that right before I had surgery. 14 I didn't need this stress and harassment 15 that she had been putting me through since 16 February, you know. She did it all the 17 time, about every little thing, you know. 18 And here, right before my surgery, she did 19 it again. 20 Q. By not scheduling you for 21 hours? 22 A. Right. And you think that's 23 funny?</p>
Page 79	<p>1 Q. So you had your surgery on 2 June 26th, and then you asked to work on 3 Friday, June 30th of '06 and Saturday, 4 July 1st of '06; is that correct? 5 A. Right. 6 Q. Tell me what you want to tell 7 me. 8 A. And she gave me no hours that 9 week. And I had suggested that she, you 10 know, put a person on call at the same 11 time that I was scheduled to work. Just 12 in case something happened. Because when 13 you have surgery, you know, you never know 14 what might occur. You know -- but that my 15 doctor had told me, you know, that I 16 should be able to work by then. 17 And so, you know -- then when I got 18 the schedule and saw that I had no hours, 19 you know, I asked her why I didn't have 20 any hours. And she told me that they were 21 not going to do any on-call shifts 22 anymore; that on-call shifts were over 23 with from -- no more on-call shifts</p>	Page 81	<p>1 Q. I don't think that -- 2 A. Well, you're smiling about it. 3 Q. I'm smiling because I don't 4 get it, Ms. Beard. 5 A. Why? 6 Q. Well, I don't have to answer 7 any questions. 8 Did she change anybody else's 9 schedule? Do you know? 10 A. What do you mean change it? I 11 don't understand what you're saying. 12 Q. Is there a word in that 13 sentence that you don't understand? 14 A. Change anybody else's schedule 15 in reference to what? 16 Q. To that week. If you know. 17 A. I don't understand what you 18 mean. She made the schedule out and gave 19 me no hours. 20 Q. And then you told her you 21 could work, correct? 22 A. I told her -- I turned in my 23 availability sheet showing I could work.</p>

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Page 82	<p>1 Q. Do you know whether other</p> <p>2 people had also turned in their</p> <p>3 availability sheet?</p> <p>4 A. Right.</p> <p>5 Q. And you're saying because she</p> <p>6 did not give you hours that you requested</p> <p>7 that that was stressful to you, correct?</p> <p>8 A. Absolutely. Because there was</p> <p>9 no reason for her to give me no hours. It</p> <p>10 was not her place to tell me I have to be</p> <p>11 off for a whole week because I'm having</p> <p>12 surgery if my doctor tells me that I'll be</p> <p>13 able to work.</p> <p>14 Q. But she had the right to</p> <p>15 schedule people, correct?</p> <p>16 A. But she's not supposed to put</p> <p>17 somebody off for an entire week.</p> <p>18 Q. Ms. Beard, who had the</p> <p>19 responsibility for scheduling the</p> <p>20 part-time associates?</p> <p>21 A. Kim.</p> <p>22 Q. Now, are you saying as part of</p> <p>23 your lawsuit that her failure to schedule</p>	Page 84	<p>1 I think I'll just lay out for the whole</p> <p>2 week. Like I didn't really need to work</p> <p>3 and make the money.</p> <p>4 Q. Well --</p> <p>5 A. So I wouldn't make an effort</p> <p>6 to try to work.</p> <p>7 Q. Sure. But it shows here on</p> <p>8 this exhibit 2 to 8 for both June 30th and</p> <p>9 July 1st of '06. Does that mean you</p> <p>10 worked both of those days?</p> <p>11 A. Yes.</p> <p>12 Q. And did Kim put you in the</p> <p>13 schedule?</p> <p>14 A. Yes. I called her and told</p> <p>15 her I wanted to work.</p> <p>16 Q. And so she --</p> <p>17 A. But my point is I didn't need</p> <p>18 her -- she didn't need to put me through</p> <p>19 that right before I had surgery. She</p> <p>20 could have just easily have done what I</p> <p>21 asked without going through all that. But</p> <p>22 that's the way she made every little</p> <p>23 thing.</p>
Page 83	<p>1 you for June 30th of '06 and July 1st of</p> <p>2 '06 was discrimination based on your</p> <p>3 alleged disability?</p> <p>4 A. No. I'm saying that it was</p> <p>5 part of her harassment.</p> <p>6 Q. But the harassment for what</p> <p>7 purpose?</p> <p>8 A. Because she enjoyed it.</p> <p>9 Because she liked to cause -- she liked to</p> <p>10 be harassing. Because she has the</p> <p>11 fibromyalgia. She knows how much -- how</p> <p>12 much of an effect stress can have on you.</p> <p>13 She talked about it herself.</p> <p>14 And she wanted me -- and I think she</p> <p>15 was hoping that -- when I said that I</p> <p>16 could work, she said -- she said, oh,</p> <p>17 well, the surgery is going to be so bad.</p> <p>18 You're going to want to take the whole</p> <p>19 week off, you know. I think she was</p> <p>20 hoping that because she didn't give me any</p> <p>21 hours that week that I'd just go ahead and</p> <p>22 take the whole week off, you know. Like</p> <p>23 I'd be like, oh, well, I'm not scheduled.</p>	Page 85	<p>1 Q. Well, I think on this exhibit</p> <p>2 as well, which is Exhibit Number 49 -- it</p> <p>3 says I'm so blessed in spite of you, Kim.</p> <p>4 When did you write that?</p> <p>5 A. That week.</p> <p>6 Q. And what prompted you to do</p> <p>7 that?</p> <p>8 A. Because of everything I just</p> <p>9 said.</p> <p>10 Q. Look on the reverse -- on page</p> <p>11 two of Exhibit Number 49. You show</p> <p>12 Friday, 2 to 8. That's six hours. And</p> <p>13 then Saturday, 2 to 8. That's six hours.</p> <p>14 I guess that was in the June -- June 30th</p> <p>15 of '06, July 1st of '06. And then you</p> <p>16 write above it, Kim was actually nice for</p> <p>17 once. Do you see that?</p> <p>18 A. Right.</p> <p>19 Q. Do you think she was being</p> <p>20 nice by allowing you to work these two</p> <p>21 days?</p> <p>22 A. Right.</p> <p>23 Q. Now, off to the right, you</p>

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Page 86	<p>1 say, would never give these hours in 2 March, April, May, or June as I requested 3 or preferred. 4 A. Right. 5 Q. What do you mean by that? 6 A. Well, the letter from my 7 doctor had said that we would prefer those 8 hours. Those were preferred hours, from 2 9 to 8. But those were, you know, never 10 workable hours, you know, with -- you 11 know, could never work me in on those 2 to 12 8 hours then, you know. Even though they 13 could create a schedule from 3 to 6 for 14 somebody, they couldn't possibly let me 15 work 2 to 8 back then. And I had worked 2 16 to 8, you know, some other times before 17 that too. 18 And then the schedule that -- the 19 on-call shifts that were totally never to 20 be worked again suddenly appeared again on 21 Schedule 50. 22 (WHEREUPON, a document was 23 marked as Defendant's Exhibit Number 50</p>	Page 88	<p>1 had an emergency, which you never know 2 with surgery, I wanted -- I was doing it 3 for her benefit; that somebody would be 4 available to come in in my place. 5 Q. So your -- 6 A. And since we used on-call 7 people every day of the year, it's funny 8 to me that we couldn't use them on those 9 two days. 10 Q. But you don't really have any 11 quarrel because you could work on those 12 two days and you were given those two 13 days. 14 A. I do have a quarrel that 15 suddenly the two days that I asked that we 16 use them that we couldn't. It doesn't 17 make any sense. 18 MR. NELMS: Just answer the 19 questions. 20 A. It doesn't make sense. 21 Q. It doesn't make sense to you? 22 A. Pardon me? 23 Q. It doesn't make sense to you?</p>
Page 87	<p>1 and is attached to the original 2 transcript.) 3 Q. On Exhibit 50? And there were 4 on-call hours for other people. Isn't 5 that true, Ms. Beard? 6 A. But she told me the week of 7 June -- they were completely done away 8 with. 9 Q. I appreciate that. But I'm 10 saying, other people were scheduled for 11 on-call hours as well, correct? 12 A. Right. But it's funny, when I 13 wanted to make use of them, they were 14 nonexistent. 15 Q. And you wanted to make use of 16 them for June 30th and July 1st of '06, 17 correct? 18 A. I wanted somebody else to be 19 on call in case I had an emergency 20 surgery, which is very reasonable. 21 Q. Sure. But you also wanted to 22 work those three days, correct? 23 A. Yes. If I could. But if I</p>	Page 89	<p>1 A. It doesn't make sense period. 2 Q. Well, have you had any 3 conversation with anybody else about 4 whether it makes sense? Any of your 5 former colleagues at Coldwater Creek? 6 A. Yeah. 7 Q. Tell me with whom. 8 A. Tanya and several other 9 people. I can't think who. 10 Q. Well, tell me what you and 11 Tanya talked about. 12 A. That that didn't make sense; 13 that we were never going to have on call 14 and now we're having them -- now we had 15 them again. 16 Q. Anybody else? 17 A. Stephanie. 18 Q. What did you and Stephanie 19 talk about? 20 A. We talked about? Talked about 21 different things. 22 Q. We're only talking now about 23 on-call hours.</p>

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Page 90	<p>1 A. Just that. That it was</p> <p>2 strange that nobody could be on call then,</p> <p>3 and that she said we weren't going to have</p> <p>4 on calls anymore and then suddenly there</p> <p>5 they were right back. Exactly what I just</p> <p>6 said.</p> <p>7 But she says what she -- she says</p> <p>8 whatever -- whatever fits her situation,</p> <p>9 she'll just say it. She'll just say what</p> <p>10 fits the situation. Just make up</p> <p>11 something to fit the situation, whether</p> <p>12 it's true or not.</p> <p>13 Q. And the example of that has to</p> <p>14 do with on-call hours?</p> <p>15 A. That's one example.</p> <p>16 Q. Give me another example,</p> <p>17 Ms. Beard.</p> <p>18 A. Well, like she told me that</p> <p>19 issuing -- that I didn't -- hadn't gotten</p> <p>20 my stock because issuing the stock had</p> <p>21 been put on hold. And I have my doubts</p> <p>22 about whether that's true or not.</p> <p>23 Q. When did you have that</p>	Page 92	<p>1 part of my case that I never got it.</p> <p>2 Q. Well, tell me how it's part of</p> <p>3 your case, Ms. Beard.</p> <p>4 A. Well, that I earned it while I</p> <p>5 was working there, and I never got it.</p> <p>6 Q. Well, do you know if anybody</p> <p>7 else got it?</p> <p>8 A. Yeah. Some people got</p> <p>9 theirs. Yes. Absolutely.</p> <p>10 Q. How do you know that?</p> <p>11 A. Because they said so.</p> <p>12 Q. Tell me who got it.</p> <p>13 A. I don't know exactly. I can't</p> <p>14 remember their names. We had a chart on</p> <p>15 the board of who had earned theirs. And</p> <p>16 my name was up there because I had earned</p> <p>17 mine, but I hadn't gotten it. And Ruth,</p> <p>18 she had earned hers, and she hadn't gotten</p> <p>19 hers. And, in fact, she asked me about</p> <p>20 it, because she was wandering why she</p> <p>21 hadn't gotten hers yet. And I said -- I</p> <p>22 told her what Kim had told me. And I</p> <p>23 don't know if she pursued it further or</p>
Page 91	<p>1 discussion with Kim?</p> <p>2 A. It wasn't no discussion. I</p> <p>3 just asked her about, you know, why I</p> <p>4 hadn't gotten my stock yet, and she said</p> <p>5 that it had been put on hold.</p> <p>6 Q. But tell me when that</p> <p>7 happened.</p> <p>8 A. It was in April, I believe.</p> <p>9 Q. Of '06?</p> <p>10 A. Uh-huh. April or May.</p> <p>11 Somewhere around there.</p> <p>12 Q. April or May of '06?</p> <p>13 A. Uh-huh.</p> <p>14 Q. Is that yes?</p> <p>15 A. Yes.</p> <p>16 Q. Does that have anything to do</p> <p>17 with your case?</p> <p>18 A. I never got it.</p> <p>19 Q. I know. But is that any part</p> <p>20 of your case? Like, for instance, we're</p> <p>21 here today for the second time.</p> <p>22 A. Well, I mean, it has to do</p> <p>23 with the fact that I never got it. It's</p>	Page 93	<p>1 not.</p> <p>2 Q. So your testimony today is</p> <p>3 that, like you, Ruth also did not get the</p> <p>4 stock?</p> <p>5 A. I don't know if she got it</p> <p>6 later or not.</p> <p>7 Q. By the time you had this</p> <p>8 discussion, Ruth had not gotten her stock;</p> <p>9 is that correct?</p> <p>10 A. Right. Because she had just</p> <p>11 earned her last legendary customer service</p> <p>12 that entitled her to it.</p> <p>13 Q. Ms. Beard, did you take that</p> <p>14 up with anybody at corporate HR?</p> <p>15 A. No. Because, you know, I</p> <p>16 didn't know I was going to get fired, and</p> <p>17 I didn't -- you know, obviously I had a</p> <p>18 lot going on. So I hadn't pursued it.</p> <p>19 (WHEREUPON, a document was</p> <p>20 marked as Defendant's Exhibit Number 56</p> <p>21 and is attached to the original</p> <p>22 transcript.)</p> <p>23 Q. All right. Let's look at what</p>

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Page 94	<p>1 I've marked as Defendant's Exhibit Number</p> <p>2 56. And you make a note here. You say,</p> <p>3 changed to OC hours. You're talking about</p> <p>4 yourself; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. If you would -- you say Kim --</p> <p>7 you're saying that Kim is not</p> <p>8 accommodating you on the schedule; is that</p> <p>9 correct?</p> <p>10 A. Right.</p> <p>11 Q. And how did she not</p> <p>12 accommodate you? Could you just explain</p> <p>13 that to me, please, Ms. Beard? Do you</p> <p>14 remember?</p> <p>15 A. First, the schedule came out</p> <p>16 having me work 1 to 6.</p> <p>17 Q. Yes, ma'am.</p> <p>18 A. And I was supposed to work 2</p> <p>19 to 6. So then they changed the schedule</p> <p>20 and put me on call, which meant,</p> <p>21 basically, that I wouldn't get any hours.</p> <p>22 Because, like I said, normally when you're</p> <p>23 on call, you don't work. Then they</p>	Page 96	<p>1 would.</p> <p>2 Q. And what was the accommodation</p> <p>3 that you were asking?</p> <p>4 A. I told her that, you know, I'd</p> <p>5 like to be off three days and work two</p> <p>6 days, from 2 to 6, and work on the</p> <p>7 weekend, on Saturday and Sunday, when I</p> <p>8 was, you know, not getting radiation.</p> <p>9 Q. Well, she scheduled you for</p> <p>10 Saturday from 2 to 7. You see that,</p> <p>11 correct?</p> <p>12 A. Right.</p> <p>13 Q. And that's okay, correct?</p> <p>14 A. Right.</p> <p>15 Q. And she let you off -- to be</p> <p>16 off on Friday, correct?</p> <p>17 A. Right.</p> <p>18 Q. To accommodate the radiation?</p> <p>19 A. Right.</p> <p>20 Q. And she gave you off on</p> <p>21 Wednesday to accommodate the radiation,</p> <p>22 correct?</p> <p>23 A. Right.</p>
Page 95	<p>1 changed it to allow me to work. Except</p> <p>2 Thursday I didn't get to work. I got to</p> <p>3 work Tuesday, but I didn't get to work</p> <p>4 Thursday.</p> <p>5 Q. So how was it that they did</p> <p>6 not accommodate you?</p> <p>7 A. Because I was supposed to get</p> <p>8 to work 2 to 6 on Thursday -- Tuesday and</p> <p>9 2 to 6 on Thursday.</p> <p>10 Q. Oh, they changed it to on</p> <p>11 call; is that correct?</p> <p>12 A. Right.</p> <p>13 Q. So then you only got called in</p> <p>14 on one of the two days?</p> <p>15 A. Right.</p> <p>16 Q. Did you talk to Kim about</p> <p>17 that?</p> <p>18 A. Yes.</p> <p>19 Q. Tell me what was said and who</p> <p>20 said it.</p> <p>21 A. I asked her if she would</p> <p>22 accommodate me, you know, for me to go to</p> <p>23 radiation, and she had said that she</p>	Page 97	<p>1 Q. And she gave you off on</p> <p>2 Monday, August 7th, to accommodate the</p> <p>3 radiation, correct?</p> <p>4 A. Right. But it was important</p> <p>5 for me to work and get hours because I was</p> <p>6 going to have to take a leave of absence,</p> <p>7 and I needed to make money. I was having</p> <p>8 extra medical expenses.</p> <p>9 Q. So you wanted her to</p> <p>10 accommodate you, to allow you to be off</p> <p>11 when you needed to be off, but also</p> <p>12 schedule you for the hours when you wanted</p> <p>13 to work, correct?</p> <p>14 A. Right. Since I was, you</p> <p>15 know -- I was still available four days a</p> <p>16 week. That shouldn't be that hard.</p> <p>17 Q. Well, I asked you this the</p> <p>18 first time, and I think you said you</p> <p>19 didn't know, about how it is the labor</p> <p>20 budget is made up in the store, how they</p> <p>21 determine how many hours they have to give</p> <p>22 to people. You don't know how they do</p> <p>23 that, correct?</p>

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<p>1 A. I do know that based on the 2 hours I normally get that I should be able 3 to get that many hours per week. I also 4 know that, you know, they should never 5 have hired me and promised me 24 hours a 6 week if they were never going to give them 7 to me. 8 Q. But they promised other people 9 that as well based on your testimony, 10 correct? 11 A. Well, you know, what they 12 promised other people is not my problem. 13 Q. On this document as well, you 14 say Kim Curry is doing everything she 15 can -- I guess keep me -- is that 16 stressful? 17 A. Stressed. 18 Q. Stressed. Especially when I'm 19 on time. What does that mean? 20 A. She gets worse. It's like -- 21 then she tries to find some other thing -- 22 something else to create trouble over. 23 Q. Well, was it --</p>	<p>1 health problem. That's when they want me 2 to improve, when they know I'm under 3 stress due to a health problem. And I'm 4 seeking medical treatment to find out 5 what's wrong with me and trying to get 6 treatment and, you know, having a lot of 7 pain and everything. That's when they 8 issue a warning and ask me to improve on 9 getting to work on time. Why not issue it 10 when I'm well? 11 Q. What about in December of '05? 12 A. I was sick. 13 Q. What was the -- 14 A. I offered to get a letter from 15 my doctor. Oh, that's not necessary. 16 Don't worry about it. You're fine. Six 17 days later, I get a warning. 18 Q. What was the nature of the 19 illness in December of '05? 20 A. It was a stomach problem, 21 which, you know, I'd rather not go into 22 complete detail. But I could have gotten 23 a letter from my doctor about it. It's</p>
Page 99	Page 101
<p>1 A. It's like -- 2 Q. Was it -- 3 A. Like she's going to create 4 another problem. Because she was out to 5 get rid of me. That was her goal. It was 6 as clear as day -- as the day -- clear as 7 the sky is blue. 8 In other words, when they issued my 9 -- those warnings, if their intent was for 10 me to improve with getting to work on 11 time, why -- the only time they ever 12 issued the warnings was when I was ill 13 with unexpected health problems. Why was 14 I never issued a warning when I was well? 15 Q. A warning for what? 16 A. Pardon me? 17 Q. A warning for what? 18 A. For being late. They issued 19 them when I was -- when I was sick. 20 That's a strange time to try to improve on 21 being on time, when I have a disability. 22 And the only time they issue a warning is 23 when I'm sick, going through an unexpected</p>	<p>1 associated with fibromyalgia. 2 Q. Let me show you -- 3 A. And she assured me that 4 everything was fine. No. You don't need 5 a letter. Just like she did about not 6 getting a release letter. And that was 7 the -- you know, she had only been at 8 Coldwater Creek a couple of months then. 9 I didn't know that she could not be 10 trusted at all. 11 Q. In your judgment, who could be 12 trusted? 13 A. What do you mean? Who could 14 be trusted at Coldwater Creek? 15 Q. Yes, ma'am. 16 A. Well, I think they should have 17 made Karen, who was an assistant 18 manager -- she really wanted to be the 19 manager after Mary Ralph left. And Ron 20 would not make her the manager for some 21 reason, and that was a terrible mistake. 22 I think he's the one that hired Mary 23 Ralph, and she was a disaster. And then</p>

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Page 102	<p>1 he hired Kim, and she was a disaster. And</p> <p>2 I don't know why he wouldn't have hired</p> <p>3 Kim. She would have been wonderful. I</p> <p>4 mean Karen.</p> <p>5 Q. So you just think there was</p> <p>6 bad management, correct?</p> <p>7 A. Well, there was. Everybody</p> <p>8 that worked there said so.</p> <p>9 (WHEREUPON, a document was</p> <p>10 marked as Defendant's Exhibit Number 60</p> <p>11 and is attached to the original</p> <p>12 transcript.)</p> <p>13 Q. Let me show you what I've</p> <p>14 marked as Defendant's Exhibit Number 60.</p> <p>15 A. Yes.</p> <p>16 Q. Do you remember the Social</p> <p>17 Security --</p> <p>18 A. Right.</p> <p>19 Q. -- application?</p> <p>20 A. Number 60? Is that what</p> <p>21 you --</p> <p>22 Q. Yeah. Just -- let's go to the</p> <p>23 top of Section 2 of this document. I</p>	Page 104	<p>1 medicine impair your normal day-to-day</p> <p>2 functioning?</p> <p>3 A. Sometimes it makes me dizzy or</p> <p>4 affects my coordination, makes me feel</p> <p>5 weak.</p> <p>6 Q. And what kind of accommodation</p> <p>7 can there be for being dizzy or weak? Or</p> <p>8 what kind of accommodation can there be</p> <p>9 for having an impact on your coordination?</p> <p>10 A. Well, that's why I don't work</p> <p>11 in the mornings, because that's when I</p> <p>12 have the worst kind of effect from that,</p> <p>13 is because -- the first thing I do when I</p> <p>14 wake up in the morning is take my pain</p> <p>15 medication. And my sleeping medicine has</p> <p>16 not completely gotten out of my system.</p> <p>17 And it's probably the combination of those</p> <p>18 two that has some effect on that, I</p> <p>19 guess. I don't know.</p> <p>20 And actually, you know, I don't have</p> <p>21 as much trouble with that all the time now</p> <p>22 as I did then, because I had just started</p> <p>23 taking the Tramadol, which is the same as</p>
Page 103	<p>1 don't know how many pages it is. Keep</p> <p>2 going.</p> <p>3 Now, that's your handwriting,</p> <p>4 correct?</p> <p>5 A. Right.</p> <p>6 Q. Now, this asks you how do your</p> <p>7 illnesses, injuries, or conditions limit</p> <p>8 your ability to work. Now, you say that</p> <p>9 the pain and symptoms, and then you say,</p> <p>10 see remark, Section 2C, often requiring</p> <p>11 strong medications impair normal</p> <p>12 day-to-day functioning. Do you see that?</p> <p>13 A. (Witness nodded head in the</p> <p>14 affirmative.)</p> <p>15 Q. That was correct when you</p> <p>16 wrote that, correct?</p> <p>17 A. Uh-huh.</p> <p>18 Q. Is that a yes?</p> <p>19 A. Yes.</p> <p>20 Q. And you wrote this document.</p> <p>21 Do you remember when you wrote it?</p> <p>22 A. February or March of '03.</p> <p>23 Q. And how does the strong</p>	Page 105	<p>1 the Ultram. I had just started taking it</p> <p>2 in -- I had taken it some prior to that</p> <p>3 for a while for the fibromyalgia. But I</p> <p>4 hadn't been taking it for a while, and I</p> <p>5 started back taking it that summer when I</p> <p>6 started having so much trouble with my</p> <p>7 back. And I got a much stronger effect on</p> <p>8 it back then than I do now. I guess</p> <p>9 because over time from taking it I've</p> <p>10 gotten more used to it.</p> <p>11 Q. Sure. But when you were</p> <p>12 working at Coldwater Creek, you came to</p> <p>13 work -- you asked to be scheduled at 1:00</p> <p>14 because you knew the effect on you,</p> <p>15 correct?</p> <p>16 A. Right.</p> <p>17 Q. I think you told me from day</p> <p>18 one of your deposition that other than the</p> <p>19 first week or so that you worked at</p> <p>20 Coldwater Creek, you were always scheduled</p> <p>21 at 1:00 or later, correct?</p> <p>22 A. Right.</p> <p>23 Q. Now --</p>

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<p>1 A. But that is one of the reasons 2 that sometimes I run late, is because 3 sometimes the problems that I have in the 4 mornings do -- don't automatically end in 5 time for me to be like punctual at 1:00. 6 That's what happened to me today. I 7 was feeling real shaky today. Probably 8 today, though, what the problem is, I 9 think it might be my thyroid, you know. I 10 just started having thyroid problems this 11 past October. And I'm taking thyroid 12 medication. And I haven't been back -- 13 I'm supposed to go back to the doctor. 14 Well, I haven't made the appointment yet. 15 But, you know, I'm supposed to go back at 16 some point to have my blood checked again 17 to see, you know, whether my medicine is 18 going to need to be adjusted or anything. 19 And I was feeling real shaky. And 20 then I did have -- I do have a swollen 21 tonsil that's bothering me and, you know, 22 sinus and stuff. And I don't know -- you 23 know, I'm not sure why I was real shaky</p>	<p>1 me that long. 2 Q. Let's continue to look at 3 Exhibit Number 60. Also, on the same 4 page, I guess, under H, it talks about 5 your illness, injuries, or conditions. 6 A. Number 16, under H? 7 Q. It's Exhibit 60, and it's 8 under H. And it's asking you if your 9 illnesses, injuries, or conditions cause 10 you to either work fewer hours or change 11 your job duties. Do you see that? 12 A. Yes. 13 Q. And you said that you started 14 coming in late or only worked half days as 15 your condition deteriorated, correct? 16 A. Right. 17 Q. And then you were demoted from 18 assistant credit manager to a collection 19 clerk. I think we talked about that on 20 day one, did we not? 21 A. I don't know. 22 Q. Had more and more frequent and 23 extended absences. And when did those</p>
Page 107	Page 109
<p>1 today, you know. But I'm just feeling 2 kind of shaky, and I didn't feel real 3 well. You know, it's just one of those 4 days where -- 5 Q. You think we could all just 6 stay around and wait for you to show up; 7 is that right? I'm just asking. 8 A. Things didn't go well, and I 9 called and said I was running late. 10 Q. And so do you think that 11 calling and saying you're going to be late 12 fixes the problem? 13 A. No. But I have a health 14 problem that I cannot fix every day. 15 Q. Well, what time did you get up 16 this morning? 17 A. I got up at 8:30. 18 Q. Might it have helped if you 19 had gotten up at 7:30? 20 A. I didn't wake up at 7:30. 21 Q. Even though you knew you 22 needed to be here at 1:00 today? 23 A. I didn't think it would take</p>	<p>1 more and more frequent and extended 2 absences begin to occur? Do you remember? 3 A. In June, I think. 4 Q. May or June? 5 A. Either May or June. 6 Q. Of '03? 7 A. Right. 8 Q. Now, also, under J, on this 9 same page, you say your employment was 10 terminated. Which job was that? 11 A. Where, now? 12 Q. I'm down at J. Why did you 13 stop working, the question on Exhibit 14 Number 60. 15 A. That was because I was 16 terminated. 17 Q. What job? 18 A. The one at Sabel. 19 Q. At Sabel. Okay. And it says 20 that you were terminated due to frequent 21 full- and half-day absences; is that 22 correct? 23 A. Right.</p>

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Page 110	<p>1 Q. And tardiness?</p> <p>2 A. Right.</p> <p>3 Q. Now, you're saying it was</p> <p>4 caused by your illness and the chronic</p> <p>5 disease, correct?</p> <p>6 A. Right.</p> <p>7 Q. And your employer said that</p> <p>8 this disqualified you from your job</p> <p>9 because it had an impact on the company's</p> <p>10 day-to-day business, right?</p> <p>11 A. Correct.</p> <p>12 Q. And you don't disagree with</p> <p>13 that, do you?</p> <p>14 A. No. It was -- but it was a --</p> <p>15 could have been a temporary situation,</p> <p>16 possibly, if I could have gotten the</p> <p>17 treatment I needed. I don't know. It was</p> <p>18 the last full-time job I had.</p> <p>19 Q. Let me just ask you</p> <p>20 something. On the next page, under F,</p> <p>21 where it says lifting and carrying -- do</p> <p>22 you see that?</p> <p>23 A. Right.</p>	Page 112	<p>1 put no.</p> <p>2 Q. It's an overwhelming form.</p> <p>3 A. I mean, not climb upstairs,</p> <p>4 but ladders. I climbed up ladders, doing</p> <p>5 bookcases and hanging pictures and all</p> <p>6 that stuff.</p> <p>7 Q. And when did you do that?</p> <p>8 A. Working in furniture.</p> <p>9 Q. But what year was that?</p> <p>10 A. There was different years</p> <p>11 because I worked at different times. I</p> <p>12 worked at different furniture stores.</p> <p>13 Q. There's some place on this</p> <p>14 application for Social Security where it</p> <p>15 says, I believe, that sometimes you lose</p> <p>16 feeling in your feet; is that correct?</p> <p>17 A. I have pain or tingling in my</p> <p>18 feet or something every once in a while.</p> <p>19 Q. And does that affect your</p> <p>20 coordination?</p> <p>21 A. I don't know. One thing I</p> <p>22 know about the coordination was that I</p> <p>23 was -- they were doing a test one time at</p>
Page 111	<p>1 Q. Off and on during the day</p> <p>2 handled -- is that lamps and pictures?</p> <p>3 A. Right.</p> <p>4 Q. What was that about? Was that</p> <p>5 when you worked at Sabel?</p> <p>6 A. No. That was -- they asked</p> <p>7 about the job -- a job that you worked the</p> <p>8 longest. And that was when I worked in</p> <p>9 furniture --</p> <p>10 Q. Could you do that --</p> <p>11 A. -- and design.</p> <p>12 Q. Excuse me. Could you do that</p> <p>13 job now?</p> <p>14 A. No.</p> <p>15 Q. What's the reason that you</p> <p>16 can't do that job now?</p> <p>17 A. Too much lifting and carrying,</p> <p>18 and it's a full-time job.</p> <p>19 Q. So you can't work full time?</p> <p>20 A. No.</p> <p>21 I notice it asked on here if you</p> <p>22 ever climbed, and I put no. But I did</p> <p>23 climb up stairs. So I don't know why I</p>	Page 113	<p>1 work where you -- they threw -- threw a</p> <p>2 ball. They didn't tell us it was a test.</p> <p>3 But they had us in a small circle, and</p> <p>4 they threw a small, little ball from</p> <p>5 person to person. And I was the only one</p> <p>6 that -- I couldn't catch it once.</p> <p>7 Q. Is that a neurological test?</p> <p>8 A. They just said it was a test</p> <p>9 for coordination.</p> <p>10 Q. A doctor did that?</p> <p>11 A. No. It was at work.</p> <p>12 Q. It was at what work?</p> <p>13 A. Actually, it was a job that I</p> <p>14 was trying to be trained for. But this is</p> <p>15 when I first was diagnosed -- well, it was</p> <p>16 after I had been to my doctor. This was</p> <p>17 when I first applied for fibromyalgia -- I</p> <p>18 mean, for Social Security, in '98, when</p> <p>19 you were mentioning that.</p> <p>20 I had -- had to take a test for this</p> <p>21 job. It was for BellSouth. And I took</p> <p>22 the test, you know, and then they hired me</p> <p>23 for this job. It was several months later</p>

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Page 114	<p>1 when I actually started to work for the</p> <p>2 training. It was a real good job, paying</p> <p>3 real well. And -- and they had, you know,</p> <p>4 like eight weeks of training or</p> <p>5 something. And part of the training --</p> <p>6 that's what they did one day. And, you</p> <p>7 know, I failed. I was the only person</p> <p>8 that couldn't catch the ball.</p> <p>9 At that time, my doctor had</p> <p>10 scheduled me an appointment to see</p> <p>11 Dr. Jakes, but it was like two months</p> <p>12 before I could get in to see Dr. Jakes.</p> <p>13 So I was waiting for that appointment.</p> <p>14 And I -- it was a devastating -- that was</p> <p>15 just devastating to me, is that I could</p> <p>16 not -- I couldn't make it through the</p> <p>17 training. I couldn't catch on. This</p> <p>18 is -- my memory wouldn't work, was</p> <p>19 failing. I just -- it was awful. I was</p> <p>20 just devastated.</p> <p>21 Q. Well, how can you</p> <p>22 accommodate -- because I think in Exhibit</p> <p>23 60 you talk sometimes -- that sometimes</p>	Page 116	<p>1 A. I guess if I can't do the work</p> <p>2 or, you know, if it shows up in -- a</p> <p>3 problem with the work.</p> <p>4 Q. So it's unplanned; is that</p> <p>5 right? I mean, you can't -- you don't</p> <p>6 know if your memory is going to be</p> <p>7 impaired or not?</p> <p>8 A. Right.</p> <p>9 Q. All right. Look on page --</p> <p>10 A. Usually if it's a problem --</p> <p>11 it becomes a problem if I go for a period</p> <p>12 of time without sleeping well. It's</p> <p>13 related to not sleeping.</p> <p>14 Q. But here is that you say, I</p> <p>15 think, one, two -- Section 9 remarks of</p> <p>16 Exhibit Number 60. Also the</p> <p>17 impaired physical abilities, including</p> <p>18 walking, climbing stairs, constant up and</p> <p>19 down from chair, and any of the lifting</p> <p>20 with impaired mental alertness, memory,</p> <p>21 and cognitive skills negatively affected</p> <p>22 job performance.</p> <p>23 A. That's the job that -- I'm</p>
Page 115	<p>1 your memory is affected. How can you</p> <p>2 accommodate an affected memory?</p> <p>3 A. Pardon me?</p> <p>4 Q. How do you accommodate an</p> <p>5 affected memory? Is there a way to do</p> <p>6 that?</p> <p>7 A. What do you mean?</p> <p>8 Q. Well, you say here that --</p> <p>9 someplace in this application you say that</p> <p>10 sometimes your illness has an impact on</p> <p>11 your memory.</p> <p>12 A. Right.</p> <p>13 Q. Is that true?</p> <p>14 A. (Witness nodded head in the</p> <p>15 affirmative.)</p> <p>16 Q. Is that a yes?</p> <p>17 A. Yes.</p> <p>18 Q. And so if you're working</p> <p>19 someplace, how does an employer</p> <p>20 accommodate that?</p> <p>21 A. Well, they may not need to.</p> <p>22 Q. Well, how will you know when</p> <p>23 your memory is being impaired?</p>	Page 117	<p>1 describing the problems I was having on</p> <p>2 that job -- full-time job I had, because I</p> <p>3 was working in the morning. And I was</p> <p>4 having severe back trouble, and I had to</p> <p>5 go -- I had to walk up and down stairs to</p> <p>6 get to my -- my office was on the second</p> <p>7 floor. But we went up and down stairs to</p> <p>8 go to files downstairs. I was describing</p> <p>9 my problems on that job.</p> <p>10 Q. And so you're saying you could</p> <p>11 do all these things on a part-time basis?</p> <p>12 A. Maybe not. Not necessarily.</p> <p>13 Q. Well, when do you know if</p> <p>14 you'll be able to perform any of these</p> <p>15 functions on a part-time basis,</p> <p>16 Ms. Beard? Is there any way you can</p> <p>17 predict that?</p> <p>18 A. No. That's why they have</p> <p>19 trial work periods or -- that's why --</p> <p>20 like under Social Security, you can go to</p> <p>21 work part time and see how you do. You</p> <p>22 can go -- they encourage you to go to work</p> <p>23 part time and see -- and do the best you</p>

30 (Pages 114 to 117)

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Page 118	<p>1 can.</p> <p>2 Q. But you had --</p> <p>3 A. And they encourage you to work</p> <p>4 part time because it's good for you.</p> <p>5 Q. Sure. But you haven't looked</p> <p>6 for any work, correct?</p> <p>7 A. No. Because I've been having</p> <p>8 a lot of trouble with fatigue, which is</p> <p>9 probably -- like all this time I kept</p> <p>10 complaining and complaining to them about</p> <p>11 the fatigue, which, you know, part of</p> <p>12 it -- it's normal to have some fatigue</p> <p>13 problems after the radiation. And I kept</p> <p>14 telling them that it was a problem. And,</p> <p>15 you know, it's like nobody was listening</p> <p>16 to me.</p> <p>17 And then, finally, when it got so</p> <p>18 severe -- when I went to the doctor in</p> <p>19 October, I told Dr. Jakes, I said, well, I</p> <p>20 think -- I want my blood checked because I</p> <p>21 think it might be my thyroid. I mean, if</p> <p>22 I hadn't said check my blood for the</p> <p>23 thyroid, it probably wouldn't have been</p>	Page 120	<p>1 Q. Before they diagnosed the</p> <p>2 thyroid. Yes, ma'am.</p> <p>3 A. You mean before that day?</p> <p>4 No. I mean, no. I'd just get up and</p> <p>5 either be, you know -- it's almost like --</p> <p>6 Q. Either you're going to be okay</p> <p>7 or you're not going to be okay, correct?</p> <p>8 A. Right. It's usually like a</p> <p>9 heavy weight. Or, I mean, it could come</p> <p>10 on suddenly. But most of the time you're</p> <p>11 going to know that day.</p> <p>12 Now, I have been -- there have</p> <p>13 been -- but these occasions are far and</p> <p>14 few between. I have been like out grocery</p> <p>15 shopping, like -- well, this particular</p> <p>16 time I was at WalMart, and I was, you know</p> <p>17 -- all of a sudden I just could not make</p> <p>18 it through the store. I had to just stop</p> <p>19 and leave right then or I wasn't going to</p> <p>20 make it.</p> <p>21 Q. When did that happen?</p> <p>22 A. Oh, I can't remember exactly,</p> <p>23 you know.</p>
Page 119	<p>1 checked. And I was right. They called me</p> <p>2 back and go, it's way -- your levels are</p> <p>3 way up or whatever it is. Because it's</p> <p>4 low thyroid. I get it confused. Which is</p> <p>5 -- because the nurse actually told me</p> <p>6 wrong. She told me that I had overactive</p> <p>7 thyroid to begin with. And I didn't find</p> <p>8 out till I went to see him. I said, which</p> <p>9 is it? Because this medicine says not to</p> <p>10 take it if you have overactive. And --</p> <p>11 Q. Well, before you --</p> <p>12 A. -- that could have been the</p> <p>13 problem all long. Maybe it was the</p> <p>14 thyroid. Because I read that radiation</p> <p>15 can affect the thyroid. And that's not</p> <p>16 regulated yet. And, you know, it's worse</p> <p>17 because I already had a fatigue problem to</p> <p>18 begin with.</p> <p>19 Q. That's my point I was trying</p> <p>20 to get back to, which is could you predict</p> <p>21 when you were going to be feeling</p> <p>22 fatigued.</p> <p>23 A. You mean before I had --</p>	Page 121	<p>1 Q. What year?</p> <p>2 A. Not recently.</p> <p>3 Q. Well, last year?</p> <p>4 A. Maybe last year or the year</p> <p>5 before or something. I mean, something</p> <p>6 like that has happened once or twice,</p> <p>7 where I've been somewhere and I just, you</p> <p>8 know -- I had to -- you know, my legs --</p> <p>9 it was like my legs were like lead.</p> <p>10 Q. And you couldn't predict that,</p> <p>11 correct?</p> <p>12 A. Right. Yeah. And I just had</p> <p>13 to -- I mean, I was able to make it home,</p> <p>14 but it was like, you know -- you're not</p> <p>15 going to finish grocery shopping and get</p> <p>16 your groceries and get out of here.</p> <p>17 You've got to go now.</p> <p>18 But that's rare, you know, and it's</p> <p>19 far and few between, in other words.</p> <p>20 Q. I don't have any other</p> <p>21 questions, Ms. Beard. Your counsel may</p> <p>22 have some questions.</p> <p>23 MR. NELMS: I do not.</p>

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Page 122

1 Q. Thank you.
2 3:22 p.m.

3
4 FURTHER DEPONENT SAITH NOT
5
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23

Page 123

1 CERTIFICATE
2

3 STATE OF ALABAMA)
4 MONTGOMERY COUNTY)

5 I hereby certify that the above and
6 foregoing deposition was taken down by me
7 in stenotype, and the questions and
8 answers thereto were transcribed by means
9 of computer-aided transcription, and that
10 the foregoing represents a true and
11 correct transcript of the deposition given
12 by said witness upon said hearing.

13 I further certify that I am neither of
14 counsel nor of kin to the parties to the
15 action, nor am I in anywise interested in
16 the result of said cause.

17
18 GWENDOLYN P. TIMBIE, CCR
19 Certificate No: AL-CCR-172
20

21 My Commission Expires
22 March 4, 2009
23

32 (Pages 122 to 123)

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**DEFENDANT'S
EXHIBIT**

 13
Beard

Schedules 8-6-05 to 12-3-05

Week Ending	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	Total Hours
8-6-05	—	1/5 (4)	1/5 (4)	—	1/5 (4)	1/5 (4)	1/6 (5)	21
8-13-05	3/5 (5.5) 8:30 meeting	—	3/5 (5.5) 5:30	—	—	1/7 (6)	—	14
8-27-05	1/5 (4)	—	—	1/6 (5) 9:12 (3)	1/5 (4)	2/6 (9.5) 6:30	3/7 (7)	19.5
9-3-05	—	—	—	1/6 (5)	—	1/6 (5)	1/6 (5)	18
9-10-05	—	5/4 (4.5) 9:30	—	1/6 (5)	—	—	3/7 (30) 5:30	16
9-17-05	—	—	—	1/6 (5) 9:30	1/6 (5)	1/6 (5)	3/7 (30) 5:30	20.5
9-24-05	—	—	—	1/6 (5)	1/6 (5)	—	2/8 (6)	16
10-1-05	—	—	—	5/9 (4.5) 9:30	—	1/6 (5)	3/7 (30) 2:30	16
10-8-05	—	—	—	1/9 (7.5)	1/6 (5)	2/8 (6)	2/8 (5.5)	24
10-15-05	—	—	—	1/9 (5.5) 9:30	1/6 (5)	1/6 (5)	1/6 (5.5)	21
10-22-05	6:30 meeting 7:00 (2.5)	—	—	1/9 (3)	1/6 (5)	1/6 (5)	1/6 (5)	20.5
10-29-05	—	—	—	—	1/9 (3.5) 9:30	2/7 (5)	3/8 (5)	13.5
11-5-05	Onion died out of town funeral			—	1/9 (3.5) 9:30	1/7 (4.5) OFF	1/7 (3.5) worked 4	Scheduled 15.5 worked 4
11-12-05	—	—	—	—	2/6 (4)	1/6 (5)	2/8 (6.5)	15.5
11-19-05	7:30 meeting 9:30 (2)	—	—	4/8 (3)	2/6 (4)	1/7 (6)	5/10 (5)	17
11-26-05	—	—	—	—	HOLIDAY	1/6 (5)	1/8 (7.5) 8:30	12.5
12-3-05	—	—	—	4/8 (4.25) 8:15	1/6 (5.5) 6:30	3/7 (6.25)	1/8 (5.5) 6:30	21.5
12-10-05	—	—	—	4/8 (4)	2/6 (9)	2/6 (4)	4/10 (6)	18
12-17-05	—	—	—	—	2/8 (6)	2/8 (6)	1/8 (7)	19
12-24-05	—	—	—	4/8 (4)	—	2/6 (9)	—	8
12-31-05	—	—	—	—	2/6 (4)	2/6 (4)	3/7 (4)	12

Also scheduled 1-12-06 to 1-21-06
for 49 hours - no days off
had schedule changed to 46 hours
but still too many hours over 7 days

214 Beard

Desk Copy

~~scribbled out text~~

~~scribbled out text~~

Week ending 1-7-06
 Sun 2-4 - Holiday Pay = \$24.76
 Thurs - 1 - absent (no pay)
 Fri - 1 - 6 = 5.5
 Sat - 1 - 7 = 6.5
 12 work week
 + 8.44 work week
 20 = 156.75
 34.76
 \$181.51

Schedule Form 6.2[illegible]

**DEFENDANT'S
EXHIBIT**

25 Bernd

Week ending 1/14/06

Sun - Meeting off 6:30 - 8:30 = 2

~~Tue - 48 off~~

or Thurs - 1-62 = 5

Fri - 2-7 = 5

Sat - 1-6 = 5

19 worked

27.25 + 17 = 44.25 365.00

or 32.25 + 17 = 49.25 = 406.31

~~37.25~~



not possible
more info

PLEASE CALL 2hrs AHEAD FOR ALL OC SHIFTS

**DEFENDANT'S
EXHIBIT**

Z6 Band

Week ending 1-21-06

changed from 1:30 to 10:00 - 8:50

changed from 1:30 to 10:00 - 8:50

Mon - 1-6 - 5

Tues - 1-6 - 5

Wed - 1-6 - 5

Thurs - 1-6 - 5

Fri - 1-6 - 5

Sat - off

8:50
12:30
20:00
39:00
48:00

28:50
30:00

17

48

exp. no. 100

no loc's

changed 1-6 - 4

changed 1-6 - 4

changed 1-6 - 4

changed 1-6 - 4

changed 1-6 - 4

46 hrs
straight

1-12-06 to 1/20/06

49 if back hrs
not changed hrs

**DEFENDANT'S
EXHIBIT**

17

Week Ending 1-28-06
 Sun - off
 Monday - 2-6 = 4 absent - Bladder infection
 Tuesday - 2-6 = 4? not needed
 Wednesday - 3-6 = 5
 Thursday - off -
 Friday - 4-7 = 3
 Saturday - 8 worked
 Total 24

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

LINDA BEARD,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.:
v.)	
)	2:07-CV-790-MNT
COLDWATER CREEK, INC.,)	
)	
Defendant.)	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

**PLAINTIFF LINDA BEARD'S
APRIL 1, 2008 DEPOSITION
PART 2 OF 2**

Date	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sales Plan
05-Feb	06-Feb	07-Feb	08-Feb	09-Feb	10-Feb	11-Feb		\$ 23,637
KIM	10-630	7-4 (office)	off	8-5	off	1-10	8-5 (task)	
JANIECE	3-11 (T)	6a-10/5-10	8-5	off	7-4	off	1-10	
SANTINA	3-11 (T)	8-5	off	1-10	off	8-5	8-5 (task)	
JESSICA	off	6a-10 (task)	1-10	8.0	12-4	4.0	830-530	8.0
JOELY	x	x	x	x	530-10	4.5	9-5	8.0
BEVERLY				2-6	4.0	6-10	4.0	
CONNIE	RO	830-2	5.5	10-230	4.5	2-6	OC	RO
HELEN	1230-430	4.0	X	12-4	OC	9-2	5.0	RO
JANIS	1-4	3.0	6-10	OC	6-10	4.0	X	RO
JEAN ANN	RO			6-10	OC	6-10	4.0	RO
JEANETTE		6-10	4.0		6-10	OC	RO	RO
JUDY C.	2-630	4.5	X	X	X	X		5-10
LINDA	2-6	4.0	2-6	4.0	2-6	OC	2-6	4.0
LOIS	X	X	830-2	5.5	X	10-2	4.0	10-2
MARGIE	6p-10 (T)	4.0	X	6-10	4.0	X	6-10	OC
STEPHANIE	X		6-10	OC		6-10	4.0	6-10
SUSAN	4p-10 (T)	6.0	6-10	4.0		6-10	OC	
TANICO	6p-11 (T)	4.0	11-230	3.5	X	1-6	5.0	X
TANYA	1-630	5.5	1-6	OC	2-6	4.0	2-6	OC
TENISHA					10-2	4.0	10-2	4.0
RUTH	6p-10 (T)	4.0	230-6	3.5	230-6	3.5	RO	230-6
SHIRLEY	6p-10 (T)	4.0		6-10	OC	RO	5-10	5.0

18 ✓
17 ✓
16 ✓
12 ✓
20 X
20 ✓
16 ✓
18 ✓
23.5 ✓
20.5 ✓
14.5 ✓
17 ✓

(Me - 2-9-30) - Margie Steh								
Transfers (T)								
SUN								
3p-11								
Carpet								
Cleaning								
Mon 9p-10								
PLEASE CALL 2hrs AHEAD FOR ALL OC SHIFTS								

Coverage	AM/PM	3/5/3	3/3/3	3/3/3	3/3/3	3/3/3	3/3/3	3/3/3	3/3/3
Total Hrs	43	25	34	30	37	34	50	252	
Selling Hours Allowed	20	16	16	22	22	21	53	171	

JESSICA		8a-10	4.0						4
KIM									0
SANTINA									0
JANIECE									0

JANIECE									0
TODD		2-6	4.0	2-6	OC	2-6	4.0	2-6	OC
DANNY		2-6	OC	2-6	4.0	2-6	4.0	2-6	OC
SPLH ACTUAL	138	93	111	101	117	116	138	0	
SPLH PLAN	138	138	138	138	138	138	138	0	

Tasking Hours scheduled	28
Tasking Hours allowed	22
Total Hours (Selling + Tasking) scheduled	280

DEFENDANT'S EXHIBIT

24 Bead

Privacy
Hours

Week ending 2/11/06

Transfers 6:30 w/ 1st shift

Sunday - 2-6 = 4

Monday - 2-6 = 4

Tuesday - off

Wednesday - 2-6 = 4

Thursday - off

Friday - 2-6 = 4

Saturday - 2-6 = 4

S - 2-6
M - 2-6
T - 12:15
W - 3-7
Th - 3-7
F - 1-5

19.5
17.5
36

19.5
8
2

19.5
17.5
36

220' work
dinner 8:00.
morning of district level

31 Braids

11/11/11

Schedule Form 6.2															
	Sunday	HRS	Monday	HRS	Tuesday	HRS	Wed	HRS	Thursday	HRS	Friday	HRS	Saturday	HRS	
Date	19-Feb		20-Feb		21-Feb		22-Feb		23-Feb		24-Feb		25-Feb		
Sales Plan	\$3,719		\$3,926		\$3,479		\$3,648		\$3,034		\$3,159		\$3,730		\$ 29,695
KIM	7-1		7-4		Visual		7-5 (FS)		1-10		7-1		R/O		
JANIECE	7-1		Task/10-4		R/O		1-10		8-5				1-10		
SANTINA			8-5		2-10		7-5 (FS)				1-10		8-4 ✓		
															0
JESSICA			8-10/4-10	8.0	V/10-2	4.0	8-5	8.0	RO		7-4	8.0	1-10	8.0	36
JOELY	1230-630	6.0							6-10	4.0	6-10	4.0	9-3 ✓	6.0	20
															0
LOIS	R/O		R/O		10-230	4.5	R/O		R/O		11-3	4.0	R/O		8.5
CONNIE	1-6.5		10-2	4.0	11-4	5.0	9-11/11-5(FS)	8.0					2-6	4.0	21
TANYA	1230-630	OC	2-6	OC	4-10 ✓	6.0	12-6 ✓	6.0	11-3	4.0					16
LINDA	1-6	OC	2-6	4.0			R/O	1-8 X6	5.0	1-6	5.0	3-8	5.0		14
RUTH	1-3		R/O		230-6	3.5		230-6	OC	3-6	3.0	3-6	OC		6.5
STEPHANIE			6-10	4.0			6-10	4.0							8
JEANETTE	R/O		6-10	4.0	6-10	4.0	6-10	OC					3-8	5.0	13
JUDY	1-630	5.5								11-3	OC	1-5	4.0		9.5
JANIS					R/O		R/O		6-10	OC	6-10	4.0	3-6	3.0	7
MARGIE	R/O		R/O		6-10	OC	6-10	4.0	6-10	4.0			10-2 ✓	4.0	12
JEAN ANN															0
TANICO	1230-630	6.0					11-3	4.0					6-10	OC	10
YOLANDA															0
HELEN			R/O		R/O		3-6	3.0	8-1	5.0	R/O		11-3 ✓	4.0	12
SHIRLEY	R/O		R/O				R/O		6-10	OC	6-10	4.0	6-10	4.0	8
SUSAN	R/O		R/O		R/O		R/O				6-10	OC	6-10	4.0	4
															0
Selling Hours															
Coverage AM/MID/PM	2/3/5		2/4/5		3/3/3		3/4/3		3/4/3		3/4/3		4/1/5		
Total Hrs	18		24		27		37		22		32		46		206
Selling Hours Allowed	16		24		21		22		18		31		46		178
Visual Hrs															
KIM					5-9										0
JESSICA					5-10	5.0									
															0
															0
Stock Team															
JANIECE	7-1		6a-10a												0
KIM	7-1														0
															0
DANIEL			1-5	OC	1-6	5.0	1-5	OC	1-6	5.0	1-5	OC			10
TODD			1-5	4.0	1-6	OC	1-5	4.0	1-6	OC	1-5	4.0			12
															0
DAILY SPLH GOAL	155		140		94		89		112		143		168		0
WEEK SPLH GOAL	167		167		167		167		167		167		167		0
Tasking Hours scheduled															27
Tasking Hours allowed															22
Total Hours (Selling + Tasking) scheduled															233
Total Hours Allowed															200

Week end 2/25/06

Sunday - 1-6 = 5

Monday - 2-6 = 4

Tuesday - ~~1-6~~ = 5

Wednesday - off

Thursday - 1-8 = 7

Friday - 1-6 = 5

Saturday - ~~3-6~~ = 3

34 possible
N/EC

Social mgmt was
14/35
Sue

14/25

10 to 830
spread

3:15 - 8:30

5:10

10 to 21.25

~~34 possible
N/EC~~

~~34 possible
N/EC~~

DEFENDANT'S EXHIBIT

32 Beard

Schedule Form 6.2														
	Sunday	HRS	Monday	HRS	Tuesday	HRS	Wed	HRS	Thursday	HRS	Friday	HRS	Saturday	HRS
Date	26-Feb		27-Feb		28-Feb		01-Mar		02-Mar		03-Mar		04-Mar	
Sales Plan	5,348		5,348		5,348		5,348		5,348		5,348		5,348	\$ 32,983
KIM			7-4		8-5				1-10		Vacation		8-5	
JANIECE			7-10/4-10		8-5		8-5				1-10		11-7	
SANTINA	1230-630		8-5		1-10		1-10		8-5					
JESSICA			8-10/4-10	8.0	R/O		8-5	8.0	8-5	8.0	8-5	8.0	1-10	8.0
JOELY	1230-630	6.0							6-10	4.0	6-10	4.0		14
PLEASE CALL 2 HRS AHEAD FOR ALL "OC" SHIFTS														
LOIS	R/O		R/O		11-3	4.0	R/O		11-2	3.0	11-3	4.0	R/O	11
CONNIE	1230-630	6.0					8-10	OC	2-6	OC	8-1	5.0	10-2	4.0
TANYA			11-4	5.0	6-10	OC					3-6	3.0	1-6	5.0
LINDA	off		off		3-6	3.0	off		3-6	4.0	1-6	5.0	2-8	4.0
RUTH					3-6	OC	3-6	3.0			R/O		R/O	3
STEPHANIE			6-10	OC	(1.5 break)		6-10	4.0			6-10	OC		4
JEANETTE	1230-630	OC									6-10	4.0	5-10	5.0
JUDY													3-8	5.0
JANIS					6-10	4.0	R/O		6-10	4.0			1-6	OC
MARGIE	1-5	4.0	R/O		6-10	4.0	R/O						9-1	4.0
JEAN ANN	R/O		R/O		R/O		R/O		R/O		R/O		R/O	0
TANICO			11-3	OC			6-10	4.0					11-5	6.0
YOLANDA														0
HELEN			R/O		11-3	OC	11-3	4.0	R/O		R/O			4
SHIRLEY	R/O						R/O		6-10	OC			4-10	6.0
SUSAN	R/O		6-10	4.0			6-10	OC					6-10	4.0
<i>Worked till 9:30 Tuesday</i> <i>Hours changed 3-8</i> <i>late Sat till 8</i>														
Selling Hours														
Coverage AM/MD/PM	3/4/5		3/4/5		3/4/5		3/4/5		3/4/5		3/4/5		3/4/5	
Total Hrs	16		17		15		23		23		33		51	178
Selling Hours Allowed	18		13		16		18		21		33		51	169
Visual Aids														
														0
														0
														0
														0.0
														0
														0
Stocks/earns														
														0
														0
														0
DANIEL			1-4	OC	1-5	4.0	1-4	OC	1-5	4.0	1-4	OC		8
TODD			1-4	OC	1-5	OC	1-4	3.0	1-5	OC	1-4	3.0		8
														0
DAILY SPLH GOAL	218		149		162		133		148		179		196	0
WEEK SPLH GOAL	195		195		195		195		195		195		195	0
Tasking Hours scheduled													14	
Tasking Hours allowed													21	
Total Hours (Selling + Tasking) scheduled													192	
Total Hours Allowed													190	

Week ending 3-4-06

Week ending 3/11 21 days 4 days
 5 - 1:30 - 6:30 - 5
 17 - off
 7 - 2-6 - 4
 Wed - off
 7 - off
 7 - 5-10 5
 8 - 7-2

Week ending 3-4-06
 Sunday - off
 Monday - off ^{with 1st day} ~~in prior week~~ ~~3-4-06~~
 Tuesday - 3-4:30 = 8 - less 1.5 break
 1st Wednesday - off - ~~unpaid~~ ~~1st day~~
 2 Thursday - 3-8 = 5
 3 Friday - 1-6 = 5 ^{paid} ~~unpaid~~
 4th Saturday - 2-8 = 6
 Pay sheet last week -
 this week -

$$\begin{array}{r} \$212.5 \\ + 22.25 \\ \hline \$234.75 \end{array}$$

U bearing 3-11-06
 50 not fair
 acts like
 we find
 not better
 in lower
 state
 that B

Week ending 3/11/06

Sun - 1:30-6:30 = 5.5 - 10 min

10 pm - off ~~with sleeping~~ 11:11

Tues - 2-6 = 4

Wed - off = Dr. Expositor ~~at hospital~~ late

Thurs - off = Dr. Expositor ~~at hospital~~ late

Fri - 5-10 = 5.5 (late) Dr. Expositor ~~at hospital~~ late

Sat 2-8 = 6 Dr. Expositor ~~at hospital~~ late

~~20 18.5~~ ~~Dr. Expositor~~ ~~at hospital~~ late

~~3-11-06~~ ~~Dr. Expositor~~ ~~at hospital~~ late

3-11-06 ~~Dr. Expositor~~ ~~at hospital~~ late

Carl Volger

from late

Schedule Form 6.2														
	Sunday	HRS	Monday	HRS	Tuesday	HRS	Wed	HRS	Thursday	HRS	Friday	HRS	Saturday	HRS
Date	12-Mar		13-Mar		14-Mar		15-Mar		16-Mar		17-Mar		18-Mar	
Sales Plan	\$ 4,258		\$ 3,306		\$ 3,819		\$ 3,265		\$ 4,225		\$ 5,447		\$ 7,959	\$ 32,279
KIM			7-4		Visual		Visual		11-10		Meeting		8-1	
JANIECE	1030-630		8-5		1-10		1-10		Vacation		R/O		R/O	
SANTINA			8-10/1-10		7-4		8-5				1-10		8-5	
JESSICA					Visual		Visual		V/9-1	4.0	7-4	8.0	1-10	8.0
JOELY	130-630	5.0							6-10	4.0	6-10	4.0	9-4	7.0
PLEASE CALL 2 HRS AHEAD FOR ALL "OC" SHIFTS														
LOIS			11-3	4.0	10-2	4.0	RO		9-1	4.0				12
CONNIE	RO		1-6	5.0			2-6	4.0	1-6	5.0	8-1	5.0	RO	19
TANYA	1230-630	OC			11-3	4.0	10-2	4.0	11-3	OC			6-10	4.0
LINDA					2-6	4.0			RO		1-6	5.0	1-5-10	5.0
RUTH			3-6	3.0	3-6	3.0			3-6	3.0			RO	9
STEPHANIE			6-10	4.0					6-10	OC				4
JEANETTE			6-10	OC	6-10	4.0	RO		6-10	4.0	RO		5-10	OC
JUDY														0
JANIS														0
MARGIE			RO		6-10	4.0	6-10	4.0						8
JEAN ANN	1-5	4.0					6-10	4.0					2-6	4.0
TANICO	130-630	OC					11-6	7.0			11-6	7.0	6-10	4.0
OLANDA														0
ELEN			RO		RO		RO						12-5	5.0
SHIRLEY			6-10	4.0			6-10	OC			6-10	4.0	1-6	5.0
MUSAN	1230-630	6.0			6-10	OC			6-10	OC	RO		1-6	5.0
<div style="display: flex; justify-content: space-between;"> <div> <p><i>Yes changed 3-7</i></p> </div> <div> <p><i>Changed 3-7 to 9-8</i></p> </div> </div>														
Selling Hours														
Average	3/4/3		3/3/5		3/4/3		3/4/3		3/4/3		3/4/3		5/5/5	
Total Hrs	15		20		23		23		24		33		47	185
Working Hours Allowed	22		17		20		17		22		29		42	169
Visual Team														
M					5-11		5-2							0
SSICA					5-2	8.0	5-2	8.0	5-8	4.0				20
AMA					5-11	8.0	5-11	8.0						12
														0.0
														0
														0
Stock Team														
														0
														0
NIEL			1-5	4.0	1-5	4.0	1-5	OC	1-5	4.0	1-5	OC		

Week ending 3-18-06

Sun - off - rain Call bl. for

Mon - off - rain

Tues ~~Quarry~~ 2-7 = 4 - MRI - 11:45 - good hunt

Wed - off (Dropped) - parallel - good

Thurs - off (Dropped) - parallel - good

Fri - 1-6 - 5 - Physical 2:30 - to rest

Sat 1-10 - 10 - 4:15 - 13:15 - 3:15 - 13:15 - 3:15

Sun 1-9 - 10 - 13:15 - 3:15 - 13:15 - 3:15

Vol 22 - 250-7473
1-800-250-7473

Old 'le
strand
right
when
start
start
start

Shelley
for

Schedule Form 6.2

Schedule Form 6.2														
	Sunday	HRS	Monday	HRS	Tuesday	HRS	Wed	HRS	Thursday	HRS	Friday	HRS	Saturday	HRS
Date	26-Mar		27-Mar		28-Mar		29-Mar		30-Mar		31-Mar		1-Apr	
Sales Plan	3-892		3-892		3-892		3-892		3-892		3-892		3-892	
KIM			8-5		8-5		1-10				8-8		8-5	
JANIECE			8-5		1-10				1-10		8-5		8-5	
SANTINA			8-9/2-10		8-5		8-5		8-5				1-10	
JESSICA			Vacation		Vacation		Vacation		Vacation		Vacation			
JOELY	1230-630	6.0							5-10	5.0	5-10	5.0		
PLEASE CALL 2 HOURS IN ADVANCE FOR ALL ON CALL (OC) SHIFTS														
LOIS			R/O		11-2	3.0	R/O		11-3	4.0	11-3	4.0		
CONNIE	R/O		R/O		2-6	4.0	8-1	5.0	8-1	5.0				
TANYA	1230-630	OC	11-3	4.0			1-6	5.0					6-10	4.0
LINDA			1-6	OC	1-6	5.0	3-6	3.0	3-6	OC			1-6	5.0
RUTH			3-6	3.0	R/O		R/O		R/O		3-6	3.0	R/O	
STEPHANIE			6-10	4.0	6-10	4.0			6-10	OC	6-10	4.0		
JEANETTE	130-630	5.0	R/O		6-10	OC	6-10	4.0					5-10	5.0
JUDY														
JANIS														
MARGIE	1-6	OC	R/O		6-10	4.0	R/O		6-10	4.0	6-10	OC	9-1	4.0
JEAN ANN			6-10	OC	R/O		6-10	4.0			6-10	4.0	10-2	4.0
TANICO			1-6	5.0			11-3	4.0			12-5	OC	11-5	6.0
YOLANDA														
HELEN			R/O		11-2	OC	R/O		11-3	OC	11-3	OC		
SHIRLEY														
SUSAN	1230-630	6.0	6-10	4.0			6-10	OC	6-10	OC	R/O		2-6	4.0
AMBER	1-6	5.0					1-6	OC	1-5	4.0			6-10	4.0
LAIMA									3-6	3.0	12-5	5.0	12-5	5.0
0														
Selling Hours														
Coverage AM/MD/PM	3/1/1		3/1/3		3/1/3		3/1/3		3/1/3		3/1/1		5/1/1	
Total Hrs	22		20		20		25		25		25		41	
Selling Hours Allowed	22		19		20		25		24		25		41	
Visiting Team														
<p>Called to home in not much notice did not till 1:30 & had reschedule physicians & therapy not OC given</p>														
0														
0														
0														
0.0														
0														
6														
Stock Team														
<p>These schedules sweep schedule cc/Susan's 2-6 30 date</p>														
TODD			1-5	4.0	1-5	4.0	1-5	4.0	1-5	4.0	1-5	4.0		
DAILY SPLH GOAL	222		172		184		189		177		186		218	
WEEK SPLH GOAL	217		217		217		217		217		217		217	
Tasking Hours scheduled 20														
Tasking Hours allowed 22														
Total Hours (Selling + Tasking) scheduled 198														
Total Hours Allowed 185														

Case 2:07-cv-00790-MHT-CSC Document 13-6

3-6
monWed
3-6

37 Broad

Schedule Form 6.2

	Sunday	HRS	Monday	HRS	Tuesday	HRS	Wed	HRS	Thursday	HRS	Friday	HRS	Saturday	HRS	
Date	02-Apr		03-Apr		04-Apr		05-Apr		06-Apr		07-Apr		08-Apr		
Sales Plan	130-630		130-630		130-630		130-630		130-630		130-630		130-630		\$ 36,579
KIM	1030-630		7-5		V/10-3				Visual		7-7		7-4/9p-11p		
JANIECE			8-10/2-10		8-5		1-10				8-5		8-5/9p-11p		
SANTINA			8-5		1-10		8-5		8-5				3-11		
JESSICA			8-4	7.0	V/10-2	3.0	V/10-2	3.0	V/10-2	3.0	7-3	7.0	Meeting	2.0	25
JOELY	R/O								5-10	5.0	5-10	5.0	Meeting	2.0	12
PLEASE CALL 2 HOURS IN ADVANCE FOR ALL ON CALL (OC) SHIFTS															
LOIS					11-2	3.0			11-3	4.0	11-3	4.0	Meeting	2.0	13
CONNIE			ABSENT												0
TANYA	130-630	5.0	6-10	4.0	2-6	4.0	1-6	OC					1-6/9-11	7.0	20
LINDA	130-630	OC	3-6	3.0	off		3-6	3.0	1-6	OC	off		2-7/9-11	7.0	13
RUTH	1-5	4.0	R/O		off		3-6	3.0			3-6	3.0	Meeting	2.0	12
STEPHANIE			R/O		6-10	4.0			6-10	4.0	6-10	4.0	Meeting	2.0	14
JEANETTE	R/O		R/O		6-10	OC	6-10	4.0	R/O		6-10	OC	4-11	7.0	11
JUDY	1230-630	6.0									12-6	6.0	Meeting	2.0	14
MARGIE			R/O		6-10	4.0	R/O		6-10	4.0			5-11	5.0	13
JEAN ANN	2-6	4.0	R/O				6-10	4.0	6-10	OC			10-2/9-11	6.0	14
TANICO			11-3	4.0			11-3	4.0					12-5/9-11	7.0	15
SUSAN			6-10	4.0			6-10	OC			6-10	4.0	Meeting	2.0	10
AMBER	1230-630	OC	1-6	OC	1-6	5.0			1-6	5.0			11-4/9-11	7.0	17
LAIMA			6-10	OC	Visual		Visual		Visual				2-6/9-11	6.0	6
TARRESSA			1-6	5.0	2-6	OC			1-6	5.0			6-11	5.0	15
														Mandatory	
														Store Meeting	
														9p-11p	
0															
Selling Hours															
Coverage AM/PM	3/5A		4/6B		4/11B		3/11B		3/8B		5/5A		5/8A		
Total Hrs	19		27		23		21		30		33		71		224
Selling Hours Allowed	21		20		23		18		23		32		44		181
Visual Team															
KIM					5a-10a				4a-9a						0
JESSICA					5a-10a	5.0	5a-10a	5.0	5a-10a	5.0					15
LAIMA					5a-10a	5.0	5a-10a	5.0	5a-10a	5.0					15
															0.0
															0
															0
Stock Team															
															0
															0
															0
TODD			1-5	4.0	1-5	4.0	1-5	4.0	1-5	4.0	1-5	4.0			20
															0
DAILY SPLH GOAL	223		129		126		104		105		177		125		0
WEEK SPLH GOAL	202		202		202		202		202		202		202		0
														Tasking Hours scheduled	50
														Tasking Hours allowed	22
														Total Hours (Selling + Tasking) scheduled	274
														Total Hours Allowed	203

only 36 shifts
starting at 1-6
to you meValerie
Lee
heredon't
50/11/11

Week ending 4/8/06

Sun - ~~1:30-6:30~~ 6:30-10:30 ~~10:30-1:30~~ 13

Mon - 9-6 = 3 ~~10:30-1:30~~ 13

Tues - off - therapy 2:30 call Val Lee

Wed - 3-6 = 3 - arrived 2:55 on time

Thurs - 1-6 ^{10:30} needed of course ~~10:30-1:30~~ 13

Fri - off - therapy 2:30

Sat - ^{1:56 on time} 2-7 + 9-11 = 7 arrived 1:56 10 hours

Val Lee
800-250-7473

only 5 hrs Kim
click on purpose
Out of town
Call Val

Schedule Form 6.2

	Sunday	HRS	Monday	HRS	Tuesday	HRS	Wed	HRS	Thursday	HRS	Friday	HRS	Saturday	HRS	
Date	9-Apr		10-Apr		11-Apr		12-Apr		13-Apr		14-Apr		15-Apr		
Sales Plan	4-119		4-182		4-500		4-420		4-841		4-734		4-779		\$ 39,295
KIM	CWCU		CWCU		CWCU		CWCU		CWCU		CWCU		CWCU		
JANIECE			8-5		1-10		R/O		8-5		8-5		1-10		
SANTINA			8-5		8-5		1-10				1-10		8-5		
JESSICA	1230-630	6.0	1-10	8.0			8-5	8.0	1-10	8.0			11-7	7.0	37
JOELY									5-10	5.0	5-10	5.0	8-2	6.0	16
Please call 2 hrs ahead for on call shifts															
LOIS					11-2	3.0			11-3	4.0	11-3	4.0			11
CONNIE															0
TANYA			1-6	5.0	6-10	OC	3-6	3.0	R/O		R/O		R/O		8
LINDA	1-5	OC			R/O		1-6	5.0					11-3	4.0	13
RUTH			3-6	3.0			R/O		3-6	3.0	3-6	3.0	6-10	4.0	13
STEPHANIE			6-10	4.0	6-10	4.0			6-10	OC	R/O				8
JEANETTE	1230-630	OC	6-10	4.0	R/O		6-10	4.0			R/O		2-6	4.0	12
JUDY	1-5	4.0									1-6	5.0			9
MARGIE	230-630	4.0	R/O		6-10	4.0	R/O				6-10	4.0	10-2	4.0	16
JEAN ANN			R/O		R/O		R/O		6-10	4.0	6-10	4.0	11-3	4.0	12
TANICO	1230-630	6.0	11-3	4.0			11-3	4.0			R/O		R/O		14
SUSAN	2-6	4.0	6-10	OC	R/O		6-10	4.0			R/O		5-10	5.0	13
AMBER					1-6	5.0			1-5	4.0	1-6	OC	5-10	5.0	14
LAIMA					2-6	4.0	6-10	OC	R/O		8-1	5.0	1-5	4.0	13
TARRESSA					8-1	5.0	8-1	5.0	8-1	5.0	12-5	5.0	12-5	OC	20
PAM			8-2	6.0			8-3	7.0							13
Hours may be cut based on business needs															
															0

Coverage AM/MID/PM	3/5/4	3/5/3	3/4/3	3/4/3	3/4/3	3/4/3	3/4/3	4/5/4		
Total Hrs	24	34	25		40		33	35	43	234
Selling Hours Allowed	20	16	25		27		34	37	35	194

I might be on time more if I was not so upset + stressed + say all the appointments this is so wrong + Val wait for it to 1!															
ID		1-5	4.0	1-5	4.0	1-5	4.0	1-5	4.0	1-5	4.0				20
Y SPLH GOAL	172		84		174		123		185		192		167		0
SK SPLH GOAL	202		202		202		202		202		202		202		0

Tasking Hours scheduled

20

Tasking Hours allowed

24

Total Hours (Selling + Tasking) scheduled

254

Total Hours Allowed

218

DEFENDANT'S EXHIBIT

38 B-61

Week ending 4/22/06
~~Sun - 1-6 00~~
~~Mon - 1-6~~
~~Tues - 1-6~~
~~Wed - 1-6~~
~~Thurs - 1-6~~
~~Fri - 1-6~~
~~Sat - 1-6~~

Week ending 4/15/06
 Sun - ~~1-6 (00)~~ - 4 - not needed
 Mon - off
 Tues off 10 - 4:00 - 2:00
 Wed - 1-6 = 5 - online

Thurs - off
 Fri - off
 Sat - 1-6 = 5
 Sun - 1-6 = 5
 Total 10 hours
 (19.5)

8.25
 165.00

Valencia
 200-250-1413

Schedule Form 6.2														
	Sunday	HRS	Monday	HRS	Tuesday	HRS	Wed	HRS	Thursday	HRS	Friday	HRS	Saturday	HRS
Date	16-Apr		17-Apr		18-Apr		19-Apr		20-Apr		21-Apr		22-Apr	
Sales Plan	\$2,450		\$2,450		\$2,450		\$2,450		\$2,450		\$2,450		\$2,450	\$29,803
KIM			Vacation		8-5		8-3		Transfers		Transfers			
JANIECE			8-5		1-10		8-3		Transfers		Transfers		R/O	
SANTINA			1-10		8-5		R/O		8-5		1-10		8-5	
JESSICA			8-5	8.0			3-10	7.0	Visual		7-4	8.0	1-10	8.0
JOELY									5-10	5.0	5-10	5.0		10
PLEASE CALL 2 HOURS AHEAD FOR "ON CALL" SHIFTS														
LOIS					11-3	OC			11-3	4.0	9-1	4.0		8
CONNIE														0
TANYA			Stock		1-6	5.0			Transfers		1-5	4.0	6-10	4.0
LINDA			1-6	OC	R/O		1-6	5.0	1-8	5.0	off		1-6	5.0
RUTH			R/O		3-6	3.0			3-8	3.0	3-6	3.0	R/O	9
STEPHANIE			6-10	4.0			6-10	4.0	6-10	4.0				12
JEANETTE														0
JUDY														0
MARGIE			R/O		6-10	4.0	R/O		6-10	4.0			9-1	4.0
JEAN ANN			6-10	OC	6-10	4.0	6-10	4.0	R/O		6-10	OC	2-6	4.0
TANICO			1-6	5.0							Transfers		8-2	6.0
SUSAN			6-10	4.0			6-10	4.0	6-10	OC	6-10	4.0	R/O	12
AMBER			2-6	4.0	Stock		3-6	3.0	Stock		R/O		R/O	7
LAIMA					6-10	OC			Transfers		1-5	OC	1-7	6.0
TARRESSA					11-3	4.0	1-6	OC	8-1	5.0	11-3	4.0	6-10	4.0
PAM			8-2	6.0			8-3	7.0						13
									Transfer		Transfers			
									1a-10a		5a-2p			
Hours may be cut based on business needs														
Selling Hours														
Coverages			3/5/3		3/5/3		3/3/4		3/4/3		3/4/3		3/5/3	
AMMID/PM														
Total Hrs	0		31		20		34		30		32		41	188
Selling Hours Allowed	0		24		27		21		20		30		38	160
Visual team														
JESSICA									5-2	8.0				8
TANICO									5a-8a	3.0				3
TODD									5a-11a	6.0				6
														0.0
														0
														0
Stock team														
									1a-10a		5a-3p			0
									1a-10a		5a-2p			0
IEECE									3a-10a	7.0				11
IYA			1-5	4.0										7
IICO							1-5	4.0			5a-8a	3.0		7
MA									3a-10a	7.0				7
TODD			1-5	4.0	1-5	4.0	1-5	4.0			1-5	4.0		16
AMBER					1-5	4.0			1-6	5.0				9
DAILY SPLH GOAL	#DIV/0!		114		178		93		58		144		172	0
WEEK SPLH GOAL	#DIV/0!		186		186		186		186		186		186	0
Tasking Hours Scheduled													67	
Tasking Hours allowed													20	
Total Hours (Selling + Tasking) scheduled													255	
Total Hours Allowed													180	

Jan
for
24-
me
could
get
total

18

16

13

DEFENDANT'S
EXHIBIT

39
Brady

total 24
Janico 18

Week ending 4/22/06

Sun - off - Easter - 0

Mon - ~~1-6~~ - off

Tues - off - (St. Patrick's Day 1:30) Canceled
reschedule

Wed - 1-6 - 5

Thurs - 1-6 - 5 on time

Fri - off

Sat - 1-6 - 5

15

Physical
Therapy
provided

4/15

Schedule Form 6.2

	Sunday	HRS	Monday	HRS	Tuesday	HRS	Wed	HRS	Thursday	HRS	Friday	HRS	Saturday	HRS	
Date	30-Apr		30-May		02-May		03-May		04-May		05-May		06-May		
Sales Plan	\$ 2,355		\$ 4,069		\$ 3,573		\$ 3,733		\$ 2,289		\$ 5,307		\$ 8,519		\$ 33,849
KIM			7-4				1-10		8-5		1-10		8-5		
JANIECE	1230-630		8-5		1-10		R/O		11-7				1-10		
SANTINA			8a-10a		Vacation		Vacation		Vacation		8-5		1-10		
HEATHER			7-4	8.0			1-10	8.0	8-5	8.0	1-10	8.0	8-5	8.0	40
JESSICA			8-10/2-10	8.0	8-5	8.0	8-5	8.0	1-10	8.0			10-7	8.0	40
JOELY															0
CALL 2 HOURS AHEAD ON ALL "OC" SHIFTS															
LOIS					10-2	4.0			10-2	4.0	10-3	5.0			13
CONNIE															0
TANYA	130-630	5.0					3-6	3.0			12-6	6.0	R/O		14
LINDA			2-6	4.0	2-6	4.0	R/O						2-7	5.0	13
RUTH	230-630	4.0	3-6	3.0			3-6	3.0			3-6	3.0	R/O		13
STEPHANIE			6-10	4.0	6-10	OC	6-10	4.0	6-10	4.0	R/O				12
JEANETTE	R/O				6-10	4.0					6-10	4.0	5-10	5.0	13
JUDY															0
MARGIE	2-6	4.0					6-10	OC	6-10	4.0	R/O		9-1	4.0	12
JEAN ANN	1-5	4.0	6-10	4.0					6-10	OC	R/O		1-5	4.0	12
TANICO	1230-330	3.0			8-2	6.0	11-3	4.0	2-6	4.0	R/O		R/O		17
SUSAN	330-630	3.0	6-10	OC	6-10	4.0					6-10	4.0	12-5	OC	11
AMBER															0
TARRESSA			10-3	5.0							8-12	4.0	5-10	5.0	14
PAM			8-2	6.0			8-3	7.0							13
JANIS															0
HELEN															0
MELISSA			8-12	4.0	2-6	4.0							11-4	5.0	13
LAIMA					Stock				Stock				12-5	5.0	5
Selling Hours															
Coverage	3/6/4		5/6/3		3/4/3		3/5/3		3/5/4		3/5/4		6/9/6		
AMM/D/RM															
Total Hrs	23		46		34		37		32		34		49		255
Selling Hours Allowed	26		24		21		22		25		31		50		200
Visual team															
															0
															0
															0
															0.0
															0
															0
Stock team															
LAIMA					1-4	3.0			1-4	3.0					0
BILL			1-4	3.0			1-4	3.0			1-4	3.0			6
															0
															0
															0
															0
1 GOAL	189		83		97		93		123		143		174		0
1 GOAL	169		169		169		169		169		169		169		0
Tasking Hours scheduled														15	
Tasking Hours allowed														25	
Total Hours (Selling + Tasking) scheduled														270	
Total Hours Allowed														225	

DEFENDANT'S
EXHIBIT

41 Bead

no 17
Lined 13

11

Week ending May 6/06

Sun - off

Mon - 2-6 = 4 absent - sick - ~~absent~~ ^{absent} ~~Mon~~

Tues - 2-6 = 4

Wed - off - ~~Mon~~ ^{Mon} ~~Wed~~

Thurs - off

Fri - off - ~~Wed~~ ^{Wed} ~~Fri~~

Sat - 2-7 = 5

~~18~~ ¹³ ~~present~~ ^{present} T-13

Management
for me 2:00 to 1:00

S - Young

Ruth

Margie

Janice

Janice

Susan

Schedule Form 6.2

	Sunday	HRS	Monday	HRS	Tuesday	HRS	Wed	HRS	Thursday	HRS	Friday	HRS	Saturday	HRS	
Date	21 May		22 May		23 May		24 May		25 May		26 May		27 May		
Sales Plan	15-3-24		15-3-30		15-3-24		15-3-24		15-3-24		15-3-24		15-3-24		\$ 31,758
KIM	10-8		7-2		R/O		8-5				11-10		11-10		
JANIECE			Vacation		Vacation		Vacation		Vacation		Vacation				
SANTINA	6-8		8-5		3-10		1-10		8-5		R/O		8-5		
HEATHER	6-8	2.0	8-5	8.0	8-4	7.0	1-10	8.0	1-10	8.0	11-7	7.0	R/O		40
JESSICA	6-8	2.0	8-10/2-10	9.0	8-4	7.0			11-7	7.0	8-4	7.0	8-5	8.0	40
CALL 2 HOURS AHEAD ON ALL "OC" SHIFTS															
JOELY	1-8	7.0					10-2	4.0							11
LOIS	6-8	2.0	R/O		R/O				1-5	4.0	8-1	5.0			11
TANYA	6-8	2.0	2-6	4.0	1-6	5.0							6-10	4.0	11
LINDA	6-8	2.0	2-6	4.0	1-6	5.0							1-6	5.0	11
RUTH	6-8	2.0	R/O		R/O		3-6	3.0					12-5	5.0	10
STEPHANIE	6-8	2.0	6-10	4.0			6-10	4.0	6-10	4.0	R/O				14
JEANETTE	6-8	2.0	1-5	4.0					8-1	5.0					11
JUDY	6-8	2.0									1-6	5.0	6-10	4.0	11
MARGIE	12-8	8.0	R/O		6-10	4.0	R/O		R/O		R/O		R/O		12
JEAN ANN	6-8	2.0			6-10	OC					6-10	4.0	2-6	4.0	10
TANICO	6-8	2.0			10-2	4.0	6-10	OC			8-1	OC	5-10	5.0	11
SUSAN	6-8	2.0	6-10	OC	6-10	4.0			6-10	4.0	6-10	4.0			14
TARRESSA	2-8	6.0			2-6	4.0	R/O						R/O		10
PAM	6-8	2.0	10-2	4.0			8-3	7.0							13
LAIMA	6-8	2.0	R/O		R/O		2-6	4.0					10-2	4.0	10
JAMILA	2-8	6.0	5-10	5.0									3-6	3.0	14
Mandatory															
Store Meeting															
6p-8p															
Selling Hours															
Coverage AM/MD/PM	1/1/0		3/0/0		3/1/0		1/1/0		3/0/1		3/0/1		3/0/5		
Total Hrs	55		38		35		30		32		32		42		264
Selling Hours Allowed	23		23		25		30		32		34		42		209
Coverage PM															
															0
															0
															0.0
															0.0
															0
															0
Coverage PM															
SUSAN	6-8	2.0	1-5	4.0	1-5	4.0	1-5	4.0							14
BILL	6-8	2.0	R/O		R/O				1-5	4.0	1-5	4.0			10
															0
															0
															0
															0
SPLH GOAL	60		83		97		135		133		143		153		0
SPLH GOAL	152		152		152		152		152		152		152		0
Tasking Hours scheduled															24
Tasking Hours allowed															28
Total Hours (Selling + Tasking) scheduled															288
Total Hours Allowed															235

44 Break

Swap up for droppt scheduled Aug 01 Enroller for new structure

week ending 5/21/08

Sunday - 6-8 - meeting = 2 spread 11

Monday - ~~2~~ Dr. Smith *
14.00

Tuesday - 1-6 = 5

Wednesday - off - report cancer needed to work

Thursday - off - report cancer

Friday - off - report cancer

Sat - 1-6 report cancer

179.00
198.00

$\frac{11}{23} = 189.75 = \175.00
at - 6/1/06

S. Marcie

forever

Dr. Smith - not understood
understand

Right before surgery of Sat & Sun hours end of June due to Val J. I think

Schedule Form 6.2

	Sunday	HRS	Monday	HRS	Tuesday	HRS	Wed	HRS	Thursday	HRS	Friday	HRS	Saturday	HRS	
Date	22-Jun		23-Jun		24-Jun		25-Jun		26-Jun		27-Jun		28-Jun		
Sales Plan	1130-630		1130-630		1130-630		1130-630		1130-630		1130-630		1130-630		\$ 25,397
KIM	R/O		7-4		8-5		8-5				1-10		8-5		
JANIECE	1130-630		8-5		1-10		1-10		8-5		R/O		R/O		
SANTINA			8-5				8-5		1-10		8-5		10-7		
HEATHER	R/O		8-10/3-10	9.0	10-6	7.0			8-5	8.0	8-5	8.0	1-10	8.0	40
JESSICA			8-5	8.0	8-5	8.0	1-10	8.0	1-10	8.0	10-7	8.0			40
CALL 2 HOURS AHEAD ON ALL "OC" SHIFTS															
JOELY	1230-630	OC									5-10	5.0	6-10	4.0	9 15
LOIS					R/O		8-1	5 OC	2-5	3.0	10-2	4.0			7 12
TANYA					1-6	5 OC			5-10	5.0			4-8	4.0	9 14
LINDA	1-6	5.0					1-5						1-5	4.0	9 13
RUTH	330-630	3.0	3-6	OC					3-6	OC			12-4	4.0	7 13
STEPHANIE			6-10	4.0	6-10	OC					6-10	4.0			8 12
JEANETTE			10-3	OC			1-5	4.0			2-5	3.0			7 12
JUDY															0
MARGIE	1230-330	3.0	6-10	OC	6-10	4.0					R/O		R/O		7 11
TANICO	R/O				8-1	5 OC	5-10	5.0			6-10	4 OC	8-12	4.0	9 18
SUSAN NESSELRODE			6-10	4.0			6-10	OC			R/O		5-10	5.0	9 13
TARRESSA	230-630	4.0							10-2	OC			2-6	4.0	8 12
PAM			R/O				10-1	3.0	10-2	4.0					7
JAMILA	330-630	OC			5-10	5.0					3-6	3.0	6-10	OC	8 15
															0
Selling Hours															
Coverage	3/1A/1		3/1A/1		3/1A/1		3/1A/1		3/1A/1		3/1A/1		3/1A/1		
AMMIE/PM															
Total Hrs	15		25		24		20		28		35		37		184
Selling Hours Allowed	15		17		21		23		26		27		33		162
Visitation															
															0
															0
															0.0
															0.0
															0
															0
Socio team															
SUSAN CLARK			1-4	3.0			1-4	3.0			1-4	3.0			9
BRIDGET					1-4	OC			1-4	OC					0
															0
															0
															0
															0
															0
DAILY SPLH GOAL	157		94		136		156		148		113		138		0
WEEK SPLH GOAL	157		157		157		157		157		157		157		0
Tasking Hours scheduled														9	
Tasking Hours allowed														20	
Total Hours (Selling + Tasking) scheduled														193	
Total Hours Allowed														181	

worked till 8:00 Saturday

DEFENDANT'S EXHIBIT

48 Board

4th (a) Weekending 6-24-06

Sun 1-6 = 5 (1:25 - 6:32) can't sleep

Mon off can't sleep

Tues - off can't sleep

Wed - 1-8 = 5

Thurs - off - 12:30 - 2:30 Dr. Swales

Fri - off - 3:00 post-op
can not sleep
hospital

Sat - 1-8 = 7 16.
14
30

Sun - 1-6

Tues - 1-6

Week end July 8th
Thurs 8:00 - 12:30
Fri 12:30 - 3:00

17
12
3

not good
spot - no lymph node
involved & think
they got it all
only
small
incision
have
Radiation
but maybe
no chemo

[illegible]

Sun-off 10-11
 Mon-Surgery-★ 11:00★

Tues-off
 Wed-off - Dr Shiala - after surgery
 bottles

Thurs-off called to get items
 (Kin was actually nice for once)

Fri - 2-8 = 6
 would have items

Sat - 2-8 = 6
 in March

(12.25)

and
 requested
 or prepared

Week ending July-8th

Sun-off

Mon-off

Tues - 1-6

Wed-off 21-4:30

Thurs-off

Fri-off

Sat - 1-6

Schedule Form 6.2														
	Sunday	HRS	Monday	HRS	Tuesday	HRS	Wed	HRS	Thursday	HRS	Friday	HRS	Saturday	HRS
Date	5-2-08		5-3-08		5-4-08		5-5-08		5-6-08		5-7-08		5-8-08	
Sales Plan	3-1-2864		3-1-3045		3-1-2862		3-1-3045		3-1-3045		3-1-3045		3-1-3045	
KIM			8-5				8-5		1-10		8-5		8-5	
JANIECE	1130-630		8-5				R/O		8-5		1-10		8-5	
SANTINA			8-10/2-10				8-5		8-5		8-5		1-10	
HEATHER			8-5	8.0	830-630	9.0			2-10	7.0	1-10	8.0	10-7	8.0
JESSICA	R/O		R/O		830-630	9.0	1-10	8.0	10-7	8.0	8-5	8.0	2-10	7.0
CALL 2 HOURS AHEAD ON ALL "OC" SHIFTS														
JOELY	1230-330	3.0									5-10	5.0		
LOIS					1030-230	4.0			R/O					
TANYA	R/O		R/O		R/O		R/O		R/O		R/O		R/O	
LINDA	R/O				1-6:30	5.0					1-6:30	5.0	1-6	5.0
RUTH	2-6	OC	3-6	3.0			3-6	3.0					R/O	
STEPHANIE			6-10	4.0	R/O		6-10	4.0	6-10	OC	R/O			
JEANETTE														
JUDY					230-630	4.0					6-10	OC	6-10	4.0
MARGIE	130-630	5.0	R/O		R/O		6-10	OC					10-2	4.0
TANICO	330-630	3.0	6-10	4.0									6-10	4.0
SUSAN NESSELRODE	R/O		R/O		R/O		R/O		R/O		R/O		R/O	
TARRESSA	R/O				R/O									
PAM			R/O				10-3	5.0						
JAMILA	R/O		R/O				5-10	5.0	6-10	4.0	R/O		R/O	
LINDSEY	R/O		1-6	5.0									2-6	4.0
Selling Hours														
Coverage AM/MID/PM	3/1/3		3/5/3		3/1/3		3/1/3		3/1/3		3/5/3		3/7/3	
Total Hrs	11		24		31		25		19		21		36	
Selling Hours Allowed	18		18		17		20		23		24		35	
Virtual Team														
														0
														0
														0.0
														0.0
														0
														0
Stock Teams														
SUSAN CLARK			1-5	4.0			1-5	4.0	1-5	OC				8
BRIDGET	R/O		R/O		R/O		R/O		R/O		1-5	4.0		4
														0
														0
														0
														0
														0
DAILY SPLH GOAL	269		108		92		114		202		162		165	
WEEK SPLH GOAL	169		169		169		169		169		169		169	
Tasking Hours scheduled													12	
Tasking Hours allowed													19	
Total Hours (Selling + Tasking) scheduled													179	
Total Hours Allowed													173	

**DEFENDANT'S
EXHIBIT**

50 Board

^{4/10} Week ending 7/8/01
 Sun off - fatigue
 Mon off - fatigue
 Tues - 1-6:30 = 5.25 = 65.00
 Wed - off (B 4:30) fatigue
 Thurs - off - fatigue
 Fri - off 1-6 = 5
 Sat - 1-6:04 = 5
 Total - 10
 tired to time
 lie in bed
 not so good Tuesday
 10
 22.25
 Don't know
 why tired

8.25
 4.13
 12.38
 5.25
 65.00
 188.56 = 195.00
 249.56 = 295.00
 8.25
 4.13
 12.38
 5.25
 65.00
 188.56 = 195.00
 249.56 = 295.00

Schedule Form 6.2

	Sunday	HRS	Monday	HRS	Tuesday	HRS	Wed	HRS	Thursday	HRS	Friday	HRS	Saturday	HRS	
Date	06-Aug		07-Aug		08-Aug		09-Aug		10-Aug		11-Aug		12-Aug		
Sales Plan	730-830		730-830		730-830		730-830		730-830		730-830		730-830		\$ 32,663
KIM	✓ 1130-830		8-12				8-5				1-10		8-5		
JANIECE	✓ 730-830		8-5		1-10		R/O		8-5		8-5		8-5		
SANTINA	✓ 730-830		8-5		8-5		8-5		1-10				1-10		
HEATHER	✓ 730-830	1.0	8-10/4-10	8.0	8-5	8.0	10-6	7.0			8-5	8.0	1-10	8.0	40
JESSICA	✓ 1130-830	8.0	8-5	8.0			1-10	8.0	8-5	8.0	1-10	8.0			40
CALL 2 HOURS AHEAD ON ALL OC SHIFTS															
JOELY	✓ 730-830	1.0	R/O						5-10	5.0	6-10	4.0	R/O		10
LOIS	✓ 730-830	1.0	1-5	OC	10-3	5.0	R/O		10-3	5.0	10-3	5.0			16
TANYA	✓ 730-830	1.0	5-10	5.0	6-10	OC			1-5	4.0			11-3	4.0	14
LINDA	✓ 330-830	5.0			2-6	5.0			2-6	OC			2-7	5.0	10
RUTH	✓ 730-830	1.0	R/O		3-6	3.0			3-6	3.0	3-6	3.0	R/O		10
STEPHANIE	✓ 730-830	1.0	6-10	4.0	R/O		6-10	4.0	6-10	4.0	R/O				13
JEANETTE	✓ 730-830	1.0	12-5	5.0	1-6	5.0	1-5	4.0	R/O		R/O		R/O		15
JUDY	✓ 730-830	1.0									2-7	5.0	3-8	5.0	11
MARGIE	✓ 230-830	6.0	R/O		6-10	4.0	R/O				6-10	OC	10-2	4.0	14
TANICO	✓ 730-830	1.0													1
SUSAN NESSELRODE	✓ 130-830	7.0	6-10	OC	6-10	4.0	6-10	OC					6-10	4.0	15
TARRESSA	✓ 730-830	1.0													1
PAM	✓ 730-830	1.0	10-3	OC			10-3	OC							1
JAMILA	✓ 730-830	1.0			6-10	OC	5-10	5.0					12-6	6.0	12
JANIS	✓ 730-830	1.0							6-10	OC			1-6	5.0	6
Mandatory Store Meeting 730p-830p															
changed to OC hours															

Coverage AM/PM	2/5/5	4/4/5	3/5/5	3/5/5	3/5/5	3/5/5	4/8/4	
Total Hrs	39	30	29	28	29	33	41	229
Selling Hours Allowed	16	14	21	25	21	33	41	171

Visual Team								0
She-Kim - did not accommodate me w/ schedule								0
for Karl - Intima + Kim, jacked me around								0.0
although about it!!								0.0
								0
								0

Storck team															
SUSAN CLARK	730-830	1.0	1-5	4.0			1-5	4.0			1-5	4.0	3-6	5.0	18
BRIDGET	730-830	1.0			1-5	4.0			1-5	4.0					9
Kim Curry is doing everything she can keep me stress free especially when I'm on time she gets worse I know what she's doing															0
															0
															0
LY SPLH GOAL	74		79		123		147		123		170		171		0
EK SPLH GOAL	191		191		191		191		191		191		191		0

Tasking Hours scheduled	27
Tasking Hours allowed	21
Total Hours (Selling + Tasking) scheduled	256
Total Hours Allowed	192

if I was not ill w/ treatments etc - I'd beat her at chess game

EXHIBIT

Sle Beard

Sun - 3:30 - 8:30 = 5:28 - meeting
 Mon - off
 Tues - ~~off~~ 10:00 - 2-6 = 4
 Wed - off → open data
 Thurs - ~~off~~ 2-6 = 4 to call
 Fri - off - 5:00 - 11:12 after lunch
 Sat - ~~off~~ 2-7 = 5 very tired
 Before changed schedule
 Had me 1-6 - Tues + Thurs - now
 change to OC shifts - tried to spot me
 Open new call off w/ no hrs

20
 14.25
 34.25

end 8/12
 Sun - 2-10 = 8
 Mon -
 Tues - 2-6 = 4
 Wed -
 Thurs - 3-6 = 3
 Fri -
 Sat - 1-6 = 5
 20 =

[Scribbled out text and signatures]

Social Security Administration
Disability Information

SEPSC (PC3)
P. O. BOX 830589
BIRMINGHAM AL 35282-8950

Date: May 24, 2007
Claim Number: 416-74-5444 A

LINDA BEARD
8305 GRAND OAK CT
MONTGOMERY AL 36117-4750

LD Beard
DEFENDANT'S
EXHIBIT

We recently reviewed the evidence in your Social Security disability claim and found that your disability is continuing. Here is some important information about your claim. We have also enclosed information about working that explains some of the terms we use.

You have completed your trial work period. Although you are now working (or have worked and stopped), we find that the work you have been doing does not show that you can do substantial work.

We counted the following as trial work month(s):

April 2005
May 2005
June 2005
July 2005
August 2005
September 2005
October 2005
November 2005
December 2005

Your claim will be reviewed from time to time to see if you are still eligible for benefits based on disability. When your claim is reviewed, you will be contacted if there is any question as to whether your eligibility continues.

If you are receiving Supplemental Security Income payments, any decision about that claim will be sent in a separate notice.

See Next Page



Refer To: 416-74-5444

Office of Hearings and Appeals
OHA Hearing Ofc, SSA
3381 Atlanta Highway
Montgomery, AL 36109-2746

Date: **SEP 01 2004**

Linda L Beard
8305 Grand Oak Ct
Montgomery, AL 36117

NOTICE OF DECISION – FULLY FAVORABLE

I have made the enclosed decision in your case. Please read this notice and the decision carefully.

This Decision is Fully Favorable To You

Another office will process the decision and send you a letter about your benefits. Your local Social Security office or another may first ask you for more information. If you do not hear anything for 60 days, contact your local office.

The Appeals Council May Review The Decision On Its Own

The Appeals Council may decide to review my decision even though you do not ask it to do so. To do that, the Council must mail you a notice about its review within 60 days from the date shown above. Review at the Council's own motion could make the decision less favorable or unfavorable to you.

If You Disagree With The Decision

If you believe my decision is not fully favorable to you, or if you disagree with it for any reason, you may file an appeal with the Appeals Council.

How To File An Appeal

To file an appeal you or your representative must request the Appeals Council to review the decision. You must make the request in writing. You may use our Request for Review form, HA-520, or write a letter.

You may file your request at any local Social Security office or a hearing office. You may also mail your request right to the **Appeals Council, Office of Hearings and Appeals, 5107 Leesburg Pike, Falls Church, VA 22041-3255**. Please put the Social Security number shown above on any appeal you file.

See Next Page

Time To File An Appeal

To file an appeal, you must file your request for review **within 60 days** from the date you get this notice.

The Appeals Council assumes you got the notice 5 days after the date shown above unless you show you did not get it within the 5-day period. The Council will dismiss a late request unless you show you had a good reason for not filing it on time.

Time To Submit New Evidence

You should submit any new evidence you wish to the Appeals Council to consider **with** your request for review.

How An Appeal Works

Our regulations state the rules the Appeals Council applies to decide when and how to review a case. These rules appear in the Code of Federal Regulations, Title 20, Chapter III, Part 404 (Subpart J) and Part 416 (Subpart N).

If you file an appeal, the Council will consider all of my decision, even the parts with which you agree. The Council may review your case for any reason. It **will** review your case if one of the reasons for review listed in our regulations exists. Section 404.970 and 416.1470 of the regulation list these reasons.

Requesting review places the entire record of your case before the Council. Review can make any part of my decision more or less favorable or unfavorable to you.

On review, the Council may itself consider the issues and decide your case. The Council may also send it back to an Administrative Law Judge for a new decision.

If No Appeal And No Appeals Council Review

If you do not appeal and the Council does not review my decision on its own motion, you will not have a right to court review. My decision will be a final decision that can be changed only under special rules.

If You Have Any Questions

If you have any questions, you may call, write or visit any Social Security office. If you visit an office, please bring this notice and decision with you. The telephone number of the local office that serves your area is (334)223-7183. Its address is Social Security, 2450 President's Drive, Montgomery, AL 36116-1616.



Michael D. Anderson
Administrative Law Judge

cc: S. Kay Dansby
1723 Forest Avenue
Po Box 11352
Montgomery, AL 36111

**SOCIAL SECURITY ADMINISTRATION
Office of Hearings and Appeals**

ORDER

IN THE CASE OF

Linda L. Beard
(Claimant)

(Wage Earner)

CLAIM FOR

Period of Disability,
Disability Insurance Benefits, and
Supplemental Security Income

416-74-5444

(Social Security Number)

I approve the fee agreement between the claimant and her representative subject to the condition that the claim results in past-due benefits.

My determination is limited to whether the fee agreement meets the statutory conditions for approval and is not otherwise excepted. I neither approve nor disapprove any other aspect of the agreement.

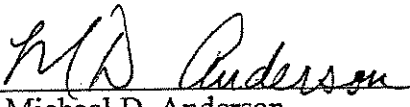
HOW TO ASK US TO REVIEW THE FEE AGREEMENT DETERMINATION

You or your representative may ask us to review the determination on the fee agreement. If you decide to ask us for a review, write us within 15 days from the day you get this order. Tell us that you disagree and give your reasons.
Send your request to this address:

- **Ollie L. Garmon, III**
Regional Chief Administrative Law Judge
Atlanta Federal Center
61 Forsyth Street, SW, Ste. 20T10
Atlanta, GA 30303

Your representative also has 15 days to write us if he or she does not agree with the determination on the fee agreement.

You should include the social security number(s) shown on this order on any papers that you send us.



Michael D. Anderson
Administrative Law Judge
SEP 01 2004

Date

**SOCIAL SECURITY ADMINISTRATION
Office of Hearings and Appeals**

DECISION

IN THE CASE OF

Linda L Beard
(Claimant)

CLAIM FOR

Period of Disability,
Disability Insurance Benefits, and
Supplemental Security Income

(Wage Earner)

416-74-5444
(Social Security Number)

INTRODUCTION

The claimant protectively filed applications for disability benefits and supplemental security income on March 19, 2004 and February 26, 2004, respectively, alleging disability since June 13, 2003. After a denial of the applications, she filed a timely request for hearing before an administrative law judge. A hearing was deemed unnecessary as a wholly fully favorable decision could be made based on the evidence of record. The claimant is represented by S. Kay Dansby, attorney-at-law.

ISSUES

The general issues are whether the claimant is entitled to a period of disability and disability insurance benefits under sections 216(i) and 223 of the Social Security Act and/or eligible for supplemental security income (SSI) under sections 1602 and 1614(a)(3)(A) of the Social Security Act. "Disability" is defined as the inability to engage in substantial gainful activity by reason of a medically determinable impairment(s) that can be expected to result in death or last for a continuous period of not less than 12 months.

The specific issues are whether the claimant has been "disabled" since the alleged onset date, and, if so, when the disability commenced and its duration, as well as whether the disability insured status requirements of the Social Security Act are met for purposes of entitlement.

CONCLUSION

I conclude that the claimant is disabled within the meaning of the Social Security Act as alleged.

See Next Page

ANALYSIS

The record reflects that the claimant has not engaged in substantial gainful activity since the alleged onset date. The record contains ample evidence regarding the claimant's impairments, symptoms and limitations. On June 12, 2003, Dr. Larry W. Epperson, neurologist, stated that the claimant was initially seen by him on May 8, 2003. During his current examination, she presented with complaints of right leg pain and history of fibromyalgia. Dr. Epperson noted that a lumbosacral spine revealed L4-L5 spinal stenosis with facet hypertrophy and mild spinal stenosis at L3-L5. He stated that nerve conduction studies revealed findings compatible with lumbar radiculopathy. He stated that the claimant has two areas of spinal stenosis secondary to disc protrusion and arthritis of her lumbar spine and L4-L5 disc protrusion and facet arthritis compressing the right L5 nerve root, which innervates her right leg. Dr. Epperson stated that her spinal stenosis combined with fibromyalgia has been quite disabling. He stated that she gets very little sleep because of the pain from the lumbar spine and fibromyalgia. He stated that she already has atrophy of the muscle in the right lower leg, due to lumbar disc disease. He further stated that work place stress will only exacerbate her medical problems.

Dr. James T. Jakes, rheumatologist, has treated the claimant since 1998. He has treated her primarily for fibromyalgia and depression. On March 26, 2004, she presented with complaints of right elbow pain, pain with gripping, and chronic neck, shoulder and upper and lower back pain. An EMG suggested radiculitis. She was diagnosed with fibromyalgia, right lateral epicondylitis, carpal tunnel syndrome and lumbar radiculitis. In writing a letter on July 23, 2004, Dr. Jakes stated that the claimant has fibromyalgia and degenerative disc disease of the lumbar spine with radiculitis. He stated that she suffers from significant pain in her neck, shoulder and upper back. In addition, she appears to suffer from flu-like symptoms of extreme fatigue, recurrent migraine/tension type headaches, tremendous face and jaw pain and irritable bowel syndrome, which are all common in patients with fibromyalgia. The claimant suffers from an impairment in motor skills and cognitive memory and coordination. He stated that her sleep disorder and associated fibromyalgia will exacerbate her underlying disc disease. Dr. Jakes opined that her chronic difficulties interfere with her ability to perform work activities on a sustained basis such as 8 hours a day and/or 40 hours per week. He stated that she has some problems with cognitive functioning secondary to medication she takes to correct her sleep disturbance and pain. He further described her pain as present to such an extent as to be distracting to the adequate performance of daily activities of work.

Dr. Daniel C. Clark, psychologist, performed a consultative examination of the claimant on June 7, 2004. She was diagnosed with depressive disorder and found to be mildly impaired in her ability to understand, remember and carry out instructions and to respond appropriately to supervision, co-workers and work pressures in a work setting.

In accordance with Social Security Ruling 96-2p, I give controlling weight to the assessments of Drs. Epperson and Jakes that reflect the claimant is unable to sustain work activity at any exertional level on a regular and continuing basis due to chronic pain. These are specialists and treating physicians whose opinion are well supported by his clinical examinations and testing and are not inconsistent with other substantial evidence of record.

The claimant has credibly described having chronic pain that interferes with her ability to perform work activity on a regular and sustained basis. Her description of her limitations is consistent with the evidence of record in its entirety.

Pursuant to Social Security Ruling 96-6p, I have considered and given little evidentiary weight to the opinions of the state medical consultants regarding the claimant's residual functional capacity. These were non-examining consultants whose opinions are contrary to the above-discussed evidence. Moreover, well-supported opinions provided by treating and/or examining sources are accorded greater weight under Eleventh Circuit case law and federal regulations.

Upon consideration of the record, I find that the claimant has severe impairments, including lumbosacral spine revealed L4-L5 spinal stenosis with facet hypertrophy, mild spinal stenosis at L3-L5, fibromyalgia, right lateral epicondylitis, carpal tunnel syndrome, lumbar radiculitis and depressive disorder. Although she does not have an impairment or combination of impairments that meets or equals in severity one set forth at 20 C.F.R. Part 404, Subpart P, Appendix 1, the evidence demonstrates that the claimant has been unable to perform basic work activities on a regular and continuing basis at a sedentary exertional level in a competitive environment since the alleged onset date.¹ Pursuant to Social Security Rulings 96-8p and 96-9p, I find that the claimant is unable to return to any past relevant work, and the occupational base is so severely eroded that there are no other jobs existing in significant numbers in the national economy that she can perform.² Thus, the claimant has been disabled within the meaning of the Social Security Act since the alleged onset date.

FINDINGS

On consideration of the record, I find:

1. The claimant met the insured status requirements of the Social Security Act as of the alleged onset date.
2. The claimant has not engaged in substantial gainful activity since the alleged onset date.
3. The claimant has "severe" impairments, including lumbosacral spine revealed L4-L5 spinal stenosis with facet hypertrophy, mild spinal stenosis at L3-L5, fibromyalgia, right lateral epicondylitis, carpal tunnel syndrome, lumbar radiculitis and depressive disorder.

¹ A "regular and continuing basis" means eight hours a day for five days a week or an equivalent work schedule (Social Security Ruling 96-8p).

² The ability to work eight hours a day for five days a week is not always required when evaluating an individual's ability to do past relevant work, but this claimant has no past relevant work that was substantial gainful activity performed as part-time, sedentary work. Thus, she is unable to return to any past relevant work as she cannot work at a sedentary exertional level on a regular and continuing basis (Social Security Ruling 96-8p).

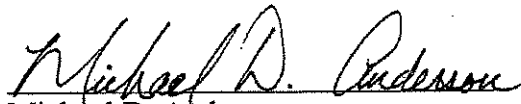
4. The claimant's impairments, considered individually and in combination, do not meet or equal in severity any impairment set forth in 20 C.F.R. Part 404, Subpart P, Appendix 1.
5. The claimant's allegations of pain and functional limitations are credible.
6. The claimant is unable to perform basic work activities on a regular and continuing basis at a sedentary exertional level in a competitive environment.
7. The claimant cannot perform past relevant work.
8. Pursuant to Social Security Rulings 96-8p and 96-9p, the claimant does not have the residual functional capacity to perform jobs that exist in significant numbers in the national economy.
9. The claimant is disabled within the meaning of the Social Security Act.

DECISION

Based on the disability application filed on March 19, 2004, the claimant is entitled to a period of disability commencing June 13, 2003, and to disability insurance benefits under sections 216(i) and 223 of the Social Security Act, and the disability has continued at least through the date of this decision.

Based on the SSI application protectively filed on February 26, 2004, the claimant has been disabled since June 13, 2003, under sections 1602 and 1614(a)(3)(A) of the Social Security Act, and the disability has continued through the date of this decision.

The Social Security Administration must still determine whether the claimant meets the income, resources and other eligibility requirements for SSI, and if she is eligible, the amount and the month(s) for which she will receive payment. The claimant will receive a notice from another office of the Social Security Administration when that office makes those determinations.


Michael D. Anderson
Administrative Law Judge

SEP 01 2004

Date

SOCIAL SECURITY ADMINISTRATION

Form Approved
OMB No. 0960-0579**DISABILITY REPORT
ADULT****For SSA Use Only**
Do not write in this box.

Related SSN _____

Number Holder _____

SECTION 1- INFORMATION ABOUT THE DISABLED PERSON**A. NAME** (First, Middle Initial, Last)Linda L Beard**B. SOCIAL SECURITY NUMBER**416-74-5444**C. DAYTIME TELEPHONE NUMBER** (If you have no number where you can be reached, give us a daytime number where we can leave a message for you.)334-409-9436Area
Code

Number



Your Number



Message Number



None

D. Give the name of a friend or relative that we can contact (other than your doctors) who knows about your illnesses, injuries or conditions and can help you with your claim.

NAME _____

RELATIONSHIP _____

ADDRESS _____

(Number, Street, Apt. No. (If any), P.O. Box, or Rural Route)

City

State

ZIP

DAYTIME
PHONE

Area Code

Number

E. What is your height without shoes?5' 4"
feet inches**F. What is your weight without shoes?**128
pounds**G. Do you have a medical assistance card?** (For Example, Medicaid or Medi-Cal) If "YES," show the number here:☐ YES☒ NO**H. Can you speak English?**

YES



NO

If "NO," what languages can you speak? _____

If you cannot speak English, is there someone we may contact who speaks English and will give you messages? ☐ YES ☐ NO (If "YES," is this the same person as in "D" above? If it is, show "SAME" below, if not complete below)

NAME _____

RELATIONSHIP _____

ADDRESS _____

(Number, Street, Apt. No. (If any), P.O. Box, or Rural Route)

City

State

ZIP

DAYTIME
PHONE

Area Code

Number

I. Can you read English? ☒ YES ☐ NO**J. Can you write more than your name in English?** ☒ YES ☐ NO

SECTION 2
YOUR ILLNESSES, INJURIES OR CONDITIONS AND HOW THEY AFFECT YOU

A. What are the illnesses, injuries or conditions that limit your ability to work? _____

Lumbar disc disease and arthritis, fibromyalgia and associated sleep disorder and scoliosis.

B. How do your illnesses, injuries or conditions limit your ability to work? *The pain*

and symptoms (see Remarks - Section 2-C) often requiring strong medications impaired normal day to day functioning (see Remarks - Section 2-B-cont)

C. Do your illnesses, injuries or conditions cause you pain or other symptoms? (See Remarks Section 2-C) ☒ YES ☐ NO

D. When did your illnesses, injuries or conditions first bother you? (See Remarks Section 2-D)

Month	Day	Year
3	5	03

E. When did you become unable to work because of your illnesses, injuries or conditions?

Month	Day	Year
6	13	03

F. Have you ever worked?

☒ YES ☐ NO (If "NO," go to Section 4.)

G. Did you work at any time after the date your illnesses, injuries or conditions first bothered you?

☒ YES ☐ NO

H. If "YES," did your illnesses, injuries or conditions cause you to: (check all that apply)

- ☒ work fewer hours? (Explain below)
- ☒ change your job duties? (Explain below)
- ☒ make any job-related changes such as your attendance, help needed, or employers? (Explain below)

Yes - came in late or only worked half-day. As condition deteriorated - demoted from Assistant credit manager to collection clerk. Had more and more frequent and extended absences, I was demoted 1st of May.

I. Are you working now?

☐ YES ☒ NO

If "NO," when did you stop working?

Month	Day	Year
6	13	03

J. Why did you stop working? *Employment was terminated due to frequent full and half day absences and tardiness, caused by illnesses and*

chronic diseases and ~~impaired~~ work performance

My employer said this disqualified me and I am not allowed to do company business.

SECTION 3 - INFORMATION ABOUT YOUR WORK

A. List the kinds of jobs that you have had in the last 15 years that you worked.

JOB TITLE (Example, Cook)	TYPE OF BUSINESS (Example, Restaurant)	DATES WORKED (month & year)		HOURS PER DAY	DAYS PER WEEK	RATE OF PAY (Per hour, day, week, month or year)
		From	To			
Asst Credit Mgr.	Steel Ind.	8-02	6-03	8	5	\$27,000 yr
Credit/Int Serv Rep	Electronics Appliances Sales	10-01	12-01	8	5	\$22,000 yr
Marketing/Design Consultant	Pillow Mfg	3-01	5-01	8	5	\$31,000 yr
Design Consultant	Furniture Store	5-00	12-00	8	5	\$ drive/comm
Customer Serv/Sales Rep	Crillie & Entomoto	11-98	1-00	8	15	\$ 21,000 yr
Financial Serv Rep	Mobile phone corp.	4-97	2-98	8	5	\$ 20,000 yr
Telephone Collector	Attorney	4-96	12-96	8	5	\$ 18,000 yr

B. Which job did you do the longest? SEE REMARKS - Section 3-A
Financial Serv Rep - Furniture Sales - Design Consultant

C. Describe this job. What did you do all day? (If you need more space, write in the "Remarks" section.)

Performed in store and on-site selection and sales of furniture and accessories. Coordinated design choices and placement of floor plans etc. House calls to better assist customer, wrote up price quotes. Handled any problems until complete maintenance customer files.

D. In this job, did you:

Use machines, tools or equipment?

☒ YES ☐ NO

Use technical knowledge or skills?

☐ YES ☒ NO

Do any writing, complete reports, or perform duties like this?

☒ YES ☐ NOE. In this job, how many total hours each day did you: - This was before became

Walk? 6-7 Stoop? (Bend down & forward at waist.) 1-3 Handle, grab or grasp big objects? 1-3
Stand? 6-7 Kneel? (Bend legs to rest on knees.) 1-3 Reach? 1-3
Sit? 1-2 Crouch? (Bend legs & back down & forward.) 1-2 Write, type or handle small objects? 1-2
Climb? 0 Crawl? (Move on hands & knees.) 0

F. Lifting and Carrying (Explain what you lifted, how far you carried it, and how often you did this.)

Off and on during the day - hand held lamps; pictures - various home accessories - small paper books - sometimes chairs - fabrics etc.

G. Check heaviest weight lifted:

☐ Less than 10 lbs ☐ 10 lbs ☒ 20 lbs ☐ 50 lbs ☐ 100 lbs. or more ☒ Other 20 lbs

H. Check weight frequently lifted: (By frequently, we mean from 1/3 to 2/3 of the workday.)

☒ Less than 10 lbs ☐ 10 lbs ☐ 25 lbs ☐ 50 lbs. or more ☒ Other 10-20 lbs
I. Did you supervise other people in this job? ☐ YES (Complete items below.) ☒ NO (If NO, go to J.)How many people did you supervise? N/AWhat part of your time was spent supervising people? N/ADid you hire and fire employees? ☐ YES ☒ NOJ. Were you a lead worker? ☐ YES ☒ NO

SECTION 4 - INFORMATION ABOUT YOUR MEDICAL RECORDS

- A. Have you been seen by a doctor/hospital/clinic or anyone else for the illnesses, injuries or conditions that limit your ability to work? ☒ YES ☐ NO
- B. Have you been seen by a doctor/hospital/clinic or anyone else for emotional or mental problems that limit your ability to work? ☐ YES ☒ NO

If you answered "NO" to both of these questions, go to Section 5.

- C. List other names you have used on your medical records. None

Tell us who may have medical records or other information about your illnesses, injuries or conditions.

- D. List each DOCTOR/HMO/THERAPIST/OTHER. Include your next appointment.

1. NAME <u>Dr. Larry W. Epperson</u>			DATES	
STREET ADDRESS <u>Neurology Consultants of Montgomery</u>			FIRST VISIT	<u>5-8-03</u>
CITY <u>1722 Pine Street</u>			LAST SEEN	<u>6-12-03</u>
CITY <u>Montgomery</u>	STATE <u>Al</u>	ZIP <u>36106</u>	NEXT APPOINTMENT	
PHONE <u>334 834-1300</u>	PATIENT ID # (If known)			
REASONS FOR VISITS <u>Referred by Dr. James Jakes after he mis-</u> <u>diagnosed neuropathy. To determine problem causing</u> <u>severe back pain and pain from severe auto muscle</u> <u>and nerve contractions in legs - particularly right leg.</u>				
WHAT TREATMENT WAS RECEIVED? <u>Referred to physical therapy and</u> <u>possible surgery. I was unable to complete the</u> <u>physical therapy - as lost job and insurance.</u> <u>Have not been back to doctor due to lack of income</u>				

2. NAME <u>Dr. James T. Jakes</u>			DATES	
STREET ADDRESS <u>Montgomery Rheumatology Assoc.</u>			FIRST VISIT	<u>6-98</u>
CITY <u>1429 Narrow Lake Rd</u>			LAST SEEN	<u>4-29-03</u>
CITY <u>Montgomery</u>	STATE <u>Al</u>	ZIP <u>36111-2654</u>	NEXT APPOINTMENT	
PHONE <u>334 284-3105</u>	PATIENT ID # (If known)			
REASONS FOR VISITS <u>1st visit - severe pain, fatigue, flu-like symp-</u> <u>toms, memory loss, impaired coordination - was diagnosed</u> <u>with fibromyalgia. All other appointments between 98 and</u> <u>2003 were for checkups and problems associated with</u> <u>fibromyalgia, arthritis - medications, etc.</u>				
WHAT TREATMENT WAS RECEIVED? <u>Medications, instructions and description</u> <u>of fibromyalgia - how to handle and manage pain and</u> <u>symptoms, etc. I was unable, unable to work</u> <u>for 6 months.</u>				

SECTION 4-INFORMATION ABOUT YOUR MEDICAL RECORDS

DOCTOR/HMO/THERAPIST/OTHER

3. NAME Montgomery East Family Practice
Dr. Louise Polentino J.

STREET ADDRESS 309 St. Lukas Drive

CITY Montgomery STATE AL ZIP 36117

PHONE 334 272-0066 PATIENT ID # (If known) 29979 -310712-5

Area Code Phone Number

REASONS FOR VISITS Primary Care Physician - She referred me to Dr. Lukas for the pharyngitis. Visits for throat infections - sinus - various other infections - yler etc.

WHAT TREATMENT WAS RECEIVED? Antibiotics, injections - dect rest etc - depending on particular illness. Had more with constant throat infections from 5-2000 - 9-2000 - Referred

also saw her for strep throat on 9/27/02

(See remarks)

If you need more space, use Remarks, Section 9. to Ear, Nose & THROAT SPECIALISTS;

E. List each HOSPITAL/CLINIC. Include your next appointment.

1. HOSPITAL/CLINIC

NAME

STREET ADDRESS

CITY STATE ZIP

PHONE

Area Code Phone Number

TYPE OF VISIT

☐ INPATIENT STAYS
(Stayed at least overnight)

☐ OUTPATIENT VISITS
(Sent home same day)

☐ EMERGENCY ROOM VISITS

DATES

DATE IN DATE OUT

DATE FIRST VISIT DATE LAST VISIT

DATE OF VISITS

Next appointment _____ Your hospital/clinic number _____

Reasons for visits _____

What treatment did you receive? _____

What doctors do you see at this hospital/clinic on a regular basis? _____

SECTION 4-INFORMATION ABOUT YOUR MEDICAL RECORDS

HOSPITAL/CLINIC

2. HOSPITAL/CLINIC			TYPE OF VISIT		DATES	
NAME			<input type="checkbox"/> INPATIENT STAYS (Stayed at least overnight)	DATE IN	DATE OUT	
STREET ADDRESS						
CITY	STATE	ZIP	<input type="checkbox"/> OUTPATIENT VISITS (Sent home same day)	DATE FIRST VISIT	DATE LAST VISIT	
PHONE			<input type="checkbox"/> EMERGENCY ROOM VISITS	DATE OF VISITS		
Area Code Phone Number						

Next appointment _____ Your hospital/clinic number _____

Reasons for visits _____

What treatment did you receive? _____

What doctors do you see at this hospital/clinic on a regular basis? _____

If you need more space, use Remarks, Section 9.

F. Does anyone else have medical records or information about your illnesses, injuries or conditions (Workers' Compensation, insurance companies, prisons, attorneys, welfare), or are you scheduled to see anyone else?

☐ YES (If "YES," complete information below.)☐ NO

NAME <u>Blue Cross Blue Shield of Alabama</u>			DATES	
STREET ADDRESS <u>450 Riverchase Parkway East</u>			FIRST VISIT	<u>11-5-02</u>
CITY <u>Birmingham</u>	STATE <u>Al.</u>	ZIP <u>35244-2858</u>	LAST SEEN	<u>6-12-02</u>
PHONE <u>1-800 292-8868</u> Area Code Phone Number			NEXT APPOINTMENT	
CLAIM NUMBER (If any) <u>Contract # PPA 416745444</u>				
REASONS FOR VISITS <u>See attached insurance claim forms for medical treatments 11-5-02 thru 6-12-02</u>				

If you need more space, use Remarks, Section 9.

SECTION 5 - MEDICATIONS

Do you currently take any medications for your illnesses, injuries or conditions? ☒ YES
 If "YES," please tell us the following: (Look at your medicine bottles, if necessary.) ☐ NO

NAME OF MEDICINE	IF PRESCRIBED GIVE NAME OF DOCTOR	REASON FOR MEDICINE	SIDE EFFECTS YOU HAVE
Ultram	Dr. Jakes & Epperson	Pain	diminished, weakness
Skelaxin	Dr. Jakes	muscle & nerve contractions	occasional stomach upset
Flexril/Tizanidine	Dr. Jakes	sleep/relax	drowsiness, diminished
Protonix	Dr. Jakes	stomach upset	headache, irritability
Antremexil? name	Dr. Epperson	Pain & swelling	NONE
Epidural Injection	over-the-counter	headaches/fatigue	none
Headaches	If you need more space, use Remarks, Section 9.		

SECTION 6 - TESTS

Have you had, or will you have, any medical tests for illnesses, injuries or conditions?
☒ YES ☐ NO If "YES," please tell us the following: (Give approximate dates, if necessary.)

KIND OF TEST	WHEN DONE, OR WHEN WILL IT BE DONE? (Month, day, year)	WHERE DONE? (Name of Facility)	WHO SENT YOU FOR THIS TEST?
EKG (HEART TEST)			
TREADMILL (EXERCISE TEST)			
CARDIAC CATHETERIZATION			
BIOPSY--Name of body part			
HEARING TEST			
SPEECH/LANGUAGE TEST			
VISION TEST			
IQ TESTING			
EEG (BRAIN WAVE TEST)			
HIV TEST			
BLOOD TEST (NOT HIV) Eyes	4-18-03	Dr. Jakes office per Lab South	Dr. Jakes
BREATHING TEST			
X-RAY--Name of body part			
MRI/CT SCAN Name of body part BACK	4-16-03	East Montgomery Imaging Center	Dr. Jakes

If you have had other tests, list them in Remarks, Section 9.

SECTION 7-EDUCATION/TRAINING INFORMATIONA. Check the highest grade of **school** completed.

Grade school:

0	1	2	3	4	5	6	7	8	9	10	11	12	GED	College:	1	2	3	4 or mor
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Approximate date completed: High School 1968 - college 1984B. Did you attend **special education** classes? ☐ YES ☒ NO (If "NO," go to part C)

NAME OF SCHOOL _____

ADDRESS _____

(Number, Street, Apt. No. (if any), P.O. Box or Rural Route)

	City		State		Zip
DATES ATTENDED	_____	TO	_____		

TYPE OF PROGRAM _____

C. Have you completed any type of **special job training, trade or vocational school**?☒ YES ☐ NO If "YES," what type? Certified Collector & Interior DesignApproximate date completed: 1985 1986 & 2000**SECTION 8 - VOCATIONAL REHABILITATION, EMPLOYMENT,
or OTHER SUPPORT SERVICES INFORMATION**

Are you participating in the Ticket Program or another program of vocational rehabilitation services, employment services or other support services to help you go to work?

☐ YES (Complete the information below) ☒ NO

NAME OF ORGANIZATION _____

NAME OF COUNSELOR _____

ADDRESS _____

(Number, Street, Apt. No. (if any), P.O. Box or Rural Route)

	City		State		Zip
--	------	--	-------	--	-----

DAYTIME PHONE NUMBER _____

Area Code	Number
-----------	--------

DATES SEEN _____

TO _____

TYPE OF SERVICES OR
TESTS PERFORMED _____

(IQ, vision, physicals, hearing, workshops, etc.)

Remarks - Section 9 (additional information)
 Section 6 - Tests - (Medical Test cont)

Nerve Test - 4-15-03 - ^{Dr. Reuber} Richardson - per Dr. Jahn
 Nerve Test - 5-8-03 - ^{Dr. Larry} Epperson - per Dr. Epperson
 Other Test? - 5-8-03 - ^{Dr. Epperson} Dr. Epperson - per Dr. Epperson

Section 2-D - (When illnesses bothered me)

Problems with fibromyalgia started in 4/1998
 diagnosed 6/1998.

Problems with lumbar disc disease started
 severely with painful contractions on 3-5-03
 diagnosed 5-8-03 after a mis-diagnosis in April
 of 2003. In addition I have had ^{neck} back problems
 since 1982 or 83 when started seeing my
 chiropractor Dr. Dallas Capistran - 20 years ago

Section 3-A - (Kinds of jobs continued)

Financial Serv Rep	financial corp	10-95	4-96	8-5	\$19,000 yr
Design Consultant	furniture store	5-95	8-95	8-5	draw/comm
Automobile Salesperson	automobile dealership	12-94	4-95	8-5	draw/comm
Telephone Collector	credit collection	9-93	5-94	8-5	\$18,000 yr
Design Consultant	furniture store	8-91	11-93	8-5	draw/comm
Asst Manager	shoe store	1-90	8-91	8-5	\$18,000 yr
Design Consultant	furniture store	2-89	12-90	8-5	draw/comm

Section 2-C - continued - I have suffered with fatigue and
 recurrent infections such as (strep & toxilita) with flu like symptoms and
 joint pain - all of adult life. This explains the frequent job change
 and lapses in employment. Doctors were Dr. Ed Young and
 Dr. Chagha Maraka. Said I had chronic fatigue syndrome.

SECTION 9 - REMARKS

Use this section for any added information you did not show in earlier parts of the form. When you are done with this section (or if you don't have anything to add), be sure to go to the next page and complete the signature block.

continued from (Section 2-B) as required for work. Such as preparing for and getting to work on time. Also the impaired physical abilities including walking, climbing stairs, coming up & down from chair and any lifting with impaired mental alertness, memory and cognitive skills negatively effected job performance. The susceptibility to infection and other illnesses in addition to the pain and symptoms of the fibromyalgia, arthritis and disc disease caused frequent full and half day absences and tardies. For my employer this interfered with day to day management of company business; employers don't understand

continued from (Section 2-C) I suffer with severe acute pain from constant muscle and nerve contractions particularly in the night leg. All over body - burning, sore, aching, pain with muscle, joint and chest pain. Also severe fatigue and lack of energy. Inability to get deep level sleep and wake up several times during the night. Nighttime pain often more severe - wake up feeling tired. Numbness and tingling sensations in arms and hands particularly in the morning. Sensitive to weather changes and cold or damp temperatures. Impaired coordination and dizziness at times. Stress, anxiety and over-exertion intensifies pain and symptoms. Difficulties functioning normally on day to day basis particularly in the morning due to lack of sleep, impaired mental alertness and pain. Low immune system causes frequent infections requiring repeated antibiotic prescriptions and often 5 to 7 days of constant bed rest to recover. The lumbar disc disease and arthritis has exacerbated the fibromyalgia pain and symptoms. Often suffer irritable bowel

(Often feel like hand hair fatigue or mental fog) (over) I also become upset, anxious and stressed when absent from work; which increases my problems - because employers do not work; which increases my problems - because employers do not

SECTION 9 - REMARKS

(Section 2-C - continued) The lumbar disc disease has caused permanent muscle damage syndrome and chronic migraine/tension type headaches with severe jaw pain. Have severe leg jerking/muscle spasms at night. Also suffer with severe face pain and swelling and dry irritated ^{mouth} eyes. The pain is most intense during morning hours of the day but it is constant and often severe day & night.
 Section 4 - DOCTORS/HMO (See Remarks - Section 2-C addit First Visit She

- 1- Central Alabama Ear, Nose & Throat Assoc. 9-2000
 6980 Winton Blount Blvd Last Visit
 Mtg, Al. 36117 334-277-0484 2-24-03
 Saw Dr. William J. Knox for severe face pain and swelling with flu like symptoms referred by Pri-Med originally on 11-27-03 and he diagnosed facial abscess. Saw him again, 2-24-03 - diagnosed flu like symptoms, severe jaw & face pain/fibromyalgia prescribed 1 week constant head rest. Saw him in 9-2000 - diagnosed - mono & recurrent throat infections. Treatment 6 weeks of antibiotic and ~~steroids~~ head rest for 2-3 weeks - also suffered with very severe fatigue & ach al
 2- Pri Med & Taylor Crossing 334- Visit - 1-15-03 al
 94 Taylor Rd, Mtg, Al. 36117 (272-7639) Dr Allan Muller
 Visit for infection - received shot & medications
 3- Pri-Med Vaughn Plaza 334- Visit 2-23-03
 2815 East Blvd (334-
 Mtg, Al. 36116 (271-4545) Dr Patricia Campbell
 Visit for severe face pain swelling - referred to Dr Knox al
 4 Dr Rouber Richardson III 334- Visit 4-15-03
 2025 Normandie Dr (284-9500) - Referral by Dr. Jakes
 Mtg, Al. 36111 Visit for verte stimulation therapy
 5- Rehab Associates 334- Visits - 5-9-03 thru 5-22-03
 1801 Pine St Suite 102 (262-6161) Dr Robert Kohn Jr.
 Mtg, Al. 36106 for physical therapy treatments
 for disc disease per Dr. Epperson
 6 Dr. Dallas Capistran 334-277-8699 1st visit - 1982 or 1983
 Doctor of Chiropractor Spinal & Nervous Disorders
 4208 Carmichael Court North, Mtg, Al.
 Visits for adjustments back & neck on 11-5-02, 1-16-03, 3-28-
 3-31-03 & 5-22-03

Name of person completing this form (Please Print)

Date Form Completed (Month, day, year)

Address (Number and street)

e-mail address (optional)

City

State

Zip Code

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

LINDA BEARD,

Plaintiff,

V.

COLDWATER CREEK, INC.,

Defendant.

CIVIL ACTION NO.:

2:07-CV-790-MNT

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

DECLARATION OF TARA KESSLAR

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

LINDA BEARD,

Plaintiff,

V.

COLDWATER CREEK, INC.,

Defendant.

CIVIL ACTION NO.:

2:07-CV-790-MNT

DECLARATION OF TARA KESSLAR

1. I have been employed by Coldwater Creek, Inc. (“Coldwater Creek” or “Company”) since December, 2004 as the Human Resources Director. In that position, I am involved with all aspects of the human resources department, including but not limited to applicant processing, development of hiring policies and procedures, and the development of employment policies, practices and procedures. I am involved in maintaining policies and procedures relating to employee job performance, attendance, and job duties. As a member of Coldwater Creek management, I am also involved and/or informed about the general workings of the Company, including its day to day operations. As such, I have personal knowledge of the facts set forth in this Declaration.

2. In general terms, Coldwater Creek has policies regarding employee work schedules, absences and tardiness issues.

3. Coldwater Creek maintains personnel files for every employee. As Human Resources Director, I have access to those personnel files and am able to review them as needed. I have reviewed Linda Beard's personnel file.

4. Ms. Beard worked with Coldwater Creek in the capacity of a part-time Sales Clerk from June, 2004 to August, 2006.

5. As a Sales Clerk, Ms. Beard's job duties would have involved, among other things, making sales to customers, displaying merchandise, running the cash register, participating in inventory checks, customer service, and general duties aiding efficient functioning of the store.

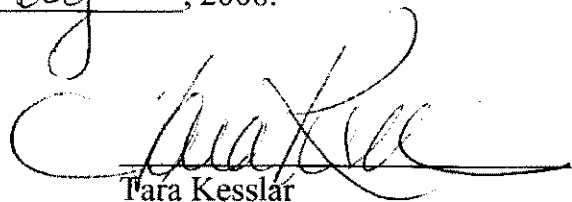
6. Per Coldwater Creek's policy, employees' hours are scheduled during days, evenings and/or weekends based upon business demand, and Coldwater Creek adjusts employee schedules as necessary.

7. It is an essential element of a Sales Clerk's job to be at work prepared to begin their shift at the time he/she is assigned to be present according to the posted schedule. This is because employee schedules are overlapping, and tardiness and/or absenteeism would cause other employees to work past their schedule, or leave the store functioning with less than needed amount of coverage.

8. Coldwater Creek's policy on Absences and Tardiness make it clear that excessive amounts of either can lead to an employee's termination.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on this the 12 day of May, 2008.


Tara Kessler